

COMPLETED

274.111:0-6 445

95

# Land Protection Plan

ORIGINAL

## Glacier National Park

August 1985





## TABLE OF CONTENTS

|                                                              |       |
|--------------------------------------------------------------|-------|
| SUMMARY. . . . .                                             | i     |
| I. INTRODUCTION. . . . .                                     | 1     |
| II. PURPOSE OF PARK AND RESOURCES TO BE PROTECTED . . . . .  | 3     |
| A. Purpose . . . . .                                         | 3     |
| Regional Map. . . . .                                        | 4     |
| Vicinity Map. . . . .                                        | 5     |
| B. Significance and Representation in National Park System . | 6     |
| C. Existing Management . . . . .                             | 10    |
| D. Protection Goals. . . . .                                 | 11    |
| E. Protected Species . . . . .                               | 12    |
| III. LAND OWNERSHIP AND USES . . . . .                       | 12    |
| A. Landowner Rights. . . . .                                 | 12    |
| B. History of Land Acquisition in the Park . . . . .         | 13    |
| C. Description of Existing Land Use. . . . .                 | 13    |
| Non-Federal Lands Location Map. . . . .                      | 14    |
| D. Potential Uses. . . . .                                   | 15    |
| E. Sociocultural Characteristics of Community. . . . .       | 15    |
| F. Compatible and Incompatible Uses. . . . .                 | 16    |
| G. Internal/External Conditions and Protection Activities. . | 17    |
| IV. LAND PROTECTION ALTERNATIVES AND IMPACTS. . . . .        | 20    |
| A. General Considerations. . . . .                           | 20    |
| 1. Protection Alternatives. . . . .                          | 20-25 |
| B. Specific Site Considerations. . . . .                     | 26    |
| 1. McFarland. . . . .                                        | 26    |
| 2. Apgar Mountains and Glacier Summer Sites . . . . .        | 28    |
| 3. Dutch Creek. . . . .                                      | 31    |
| 4. Cummings Meadow. . . . .                                  | 33    |
| 5. Big Prairie. . . . .                                      | 35    |
| 6. Cracker Lake . . . . .                                    | 37    |
| 7. Harrison Creek . . . . .                                  | 39    |
| 8. Kelly Camp . . . . .                                      | 42    |
| 9. Upper McDonald Flats . . . . .                            | 43    |
| 10. Upper McDonald Slopes. . . . .                           | 45    |
| 11. McDonald Lodge . . . . .                                 | 47    |
| 12. Apgar Flats. . . . .                                     | 51    |
| 13. Apgar Village. . . . .                                   | 51    |
| 14. Apgar Cottage Sites. . . . .                             | 55    |
| V. RECOMMENDATIONS AND PRIORITIES . . . . .                  | 56-59 |

## VI. APPENDICES

- A. Bibliography
- B. Legislation
- C. Sample Easements
- D. List of Non-Federal Lands (Numerically, by Tract Number)
- E. Photographs
- F. Summary of Public Involvement and Responses to Alternatives
- G. Questionnaire
- H. Methods of Acquisition
- I. Correspondence from Fish and Wildlife Service

## SUMMARY

### 1. Current Ownership

|                                        |                 |
|----------------------------------------|-----------------|
| Federal . . . . .                      | 1,012,723 acres |
| Natural zone land use. . . . .         | 99.1%           |
| Historic zone land use . . . . .       | .2%             |
| Development zone land use. . . . .     | .4%             |
| <br>Non-Federal . . . . .              | <br>869 acres   |
| Vacant . . . . .                       | 595 acres       |
| Developed residential. . . . .         | 273 acres       |
| Developed commercial land use. . . . . | 1 acre          |
| Public lands . . . . .                 | 3 acres         |

### 2. Tracts Remaining to be Protected. . . . . . 153

### 3. Methods of Protection Proposed

|                               |             |
|-------------------------------|-------------|
| No Action/Regulation. . . . . | 4 tracts    |
| Exchange. . . . .             | 1 tract     |
| Easement. . . . .             | 4 tracts    |
| Fee . . . . .                 | .141 tracts |

### 4. Statutory Acreage Ceiling

Current Authorized Acreage. . . . . .1,013,594.67 acres

### 5. Funding Status

This is an inholding area, so there is no authorized ceiling, no specific appropriations, and no unappropriated balance.

### 6. Protection Priorities

1st Unique natural resources  
2nd Visitor use values  
3rd General natural resource values  
4th Commercial services

## I. INTRODUCTION

- (a) In May of 1982 the Department of the Interior published in the Federal Register a new policy statement for the "Use of the Federal Portion of the Land and Water Conservation Fund". This new policy applies to the National Park Service and among other things, requires that all Land Acquisition Plans be updated and revised to (1) change the name to "Land Protection Plan"; (2) more specifically identify the lands which need to be in Federal ownership to achieve management purposes and public objectives; (3) use, to the maximum extent possible, cost effective alternatives to direct Federal purchase and, when acquisition is necessary, acquire only the minimum interest needed to meet management objectives; (4) cooperate with landowners, other Federal, State and local governments and the private sector to manage land for public uses or protect it for resource conservation, and; (5) assure that the plans for land acquisition and resource use or protection consider the attendant socio-cultural impacts and that the most outstanding areas are adequately managed.
- (b) In response to the new Departmental policy, the National Park Service has withdrawn its 1979 Land Acquisition Policy and on May 11, 1983, published in the Federal Register (Vol. 48. No. 92) "Final Interpretive Rules" for preparation of the new "Land Protection Plans" for each area of the National Park System having non-Federal land within its boundaries.

In view of anticipated shortages of appropriated funds and in view of the congressional mandates to preserve and protect the authorized National Park Service areas, the National Park Service is seeking alternative ways to accomplish its goals. Among the alternatives, which will be discussed in more detail in the Land Protection Plan, are purchase of easements and other less-than-fee interests, exchanges, donations, bargain sales and other tax-benefit oriented sales, control by local zoning and cooperative agreements with landowners, private nonprofit groups and local governments. Land Protection Plans will be reviewed on a biennial basis and revised as necessary to reflect changes in conditions. In areas where conditions have not changed substantially, it is not anticipated that the plan will have to be revised.

- (c) This Land Protection Plan should not be interpreted as an offer to purchase land or interests in land. It will generally serve as a guide in subsequent funds and other constraints and does not diminish the rights of any non-Federal landowner.
- (d) Major Issues to be Addressed.

This plan focuses on 698 non-Federal acres in Glacier National Park that includes more than one million acres. It is recognized that there are land protection issues and problems on National Park Service land in the park, however; this plan is not intended

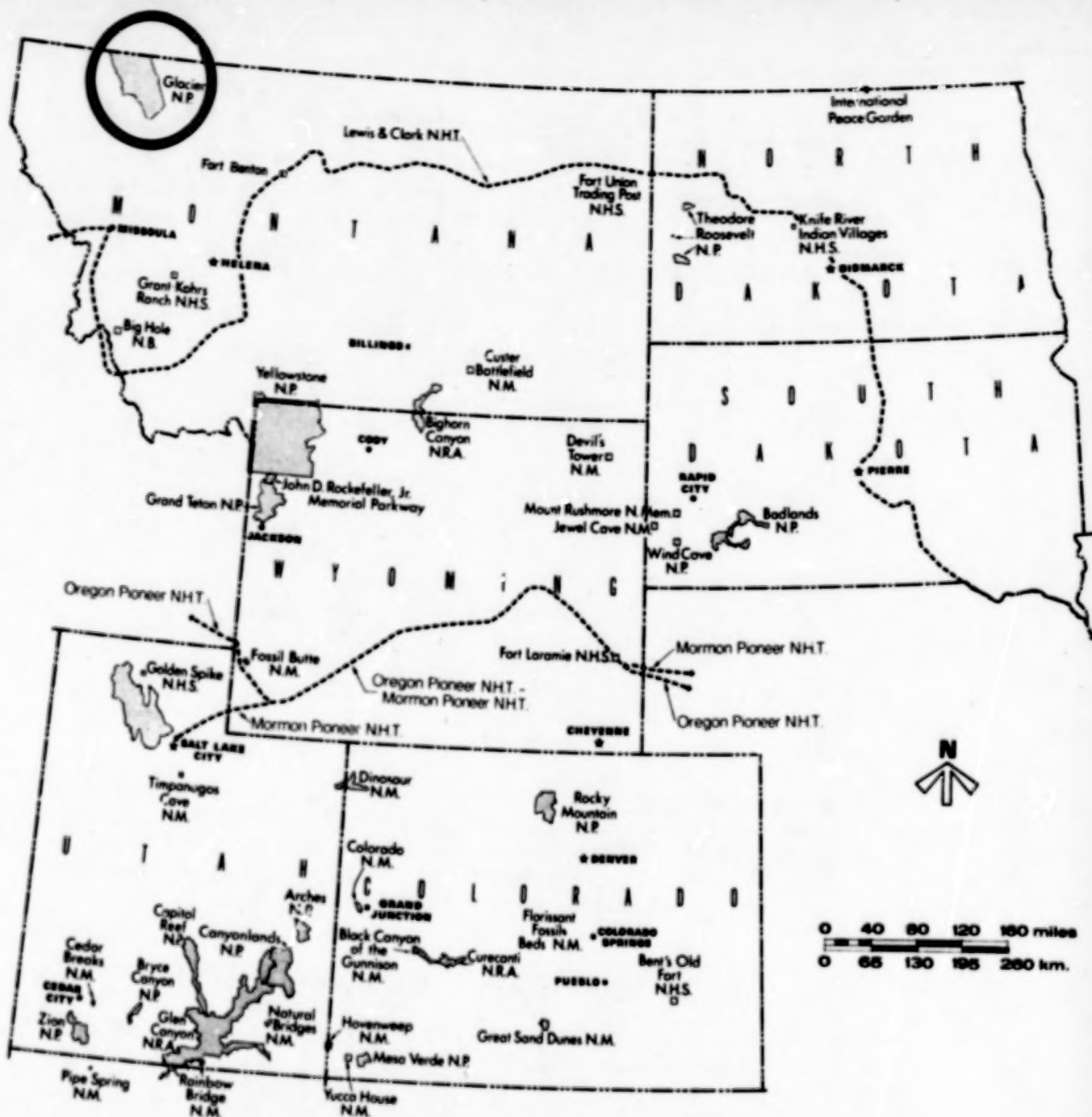
to specifically address those problems as they are addressed in other park plans. Although the amount of land is relatively small, the remaining private lands are in especially sensitive or significant locations. The impacts of some current and potential uses could extend far beyond the boundaries of the individual tracts. Specific issues include:

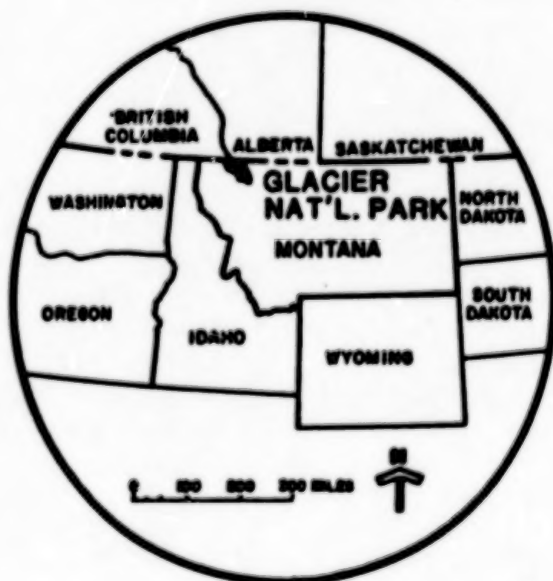
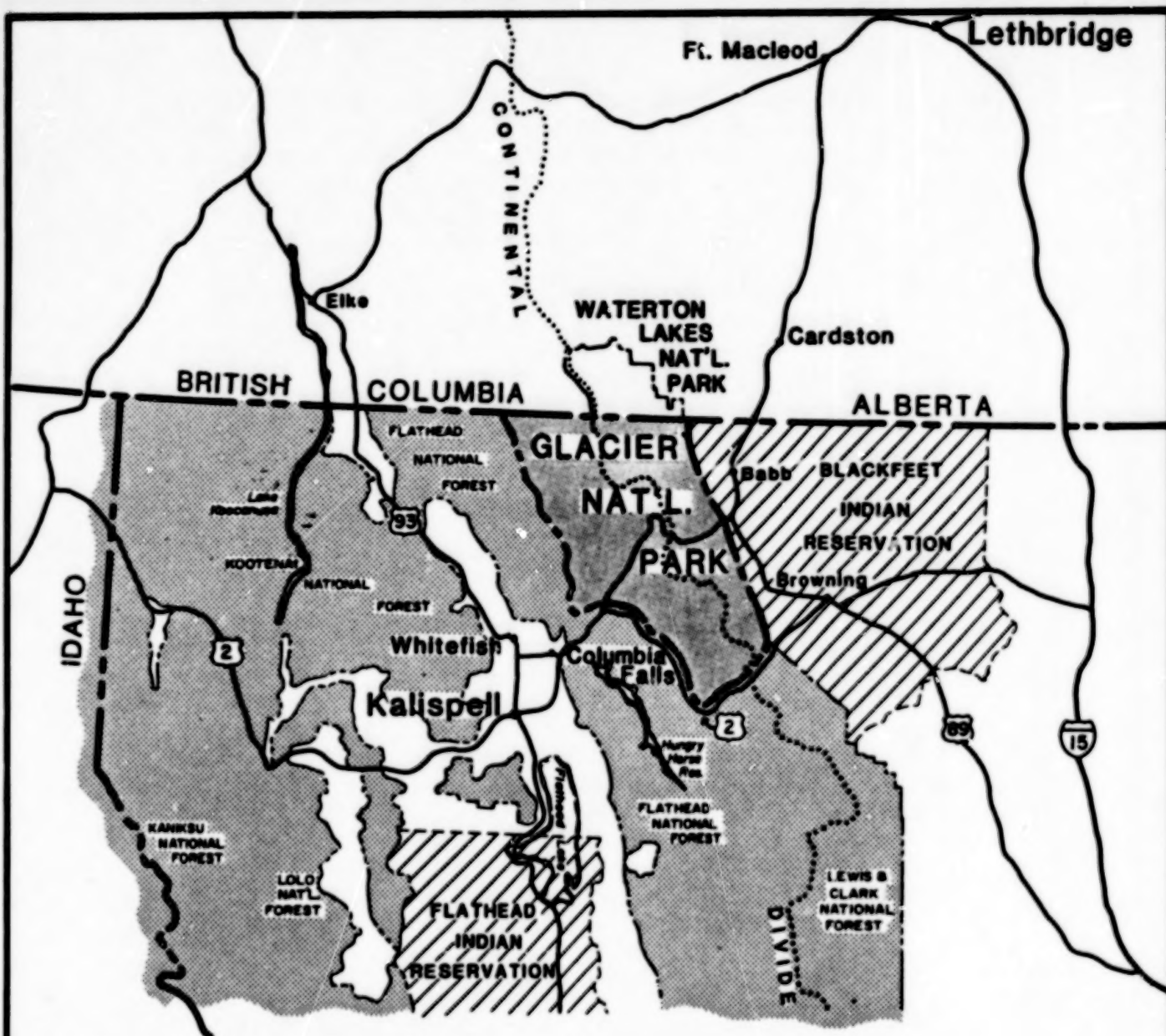
1. Landowner concerns. Private owners have certain rights that must be respected while the National Park Service carries out its responsibility for protecting visitors and park resources. The plan addresses these concerns by identifying the minimum interest necessary to meet park needs and discussing when that interest may need to be acquired.
2. Priorities and Timing of Necessary Protection Actions. Many resource protection goals of the park are looking decades or even generations into the future. This plan attempts to define what uses are compatible with long-term objectives and what current uses have a tolerable level of impact on the resource in the interim.
3. Historic Structures. Some existing structures in the park are eligible for listing on the National Register of Historic Places. Mandates for protection and preservation of these structures may conflict with natural resource management or maintenance and operational considerations.
4. Waste Disposal. The effectiveness of individual waste disposal systems given the proximity of privately owned residences to the shoreline of Lake McDonald and potential for degradation in water quality is an issue of concern to the National Park Service. Some existing septic tank/cesspool systems on private inholdings near the lake do not conform to present minimum lot size requirements and minimum distances/separations established by state and county health boards. Of immediate concern is the elimination of all possible sources of direct and indirect pollution to the lake by seepage of raw sewage from the individual disposal systems along Lake McDonald. Residential septic systems potentially could be adding to the natural phosphorus load in the lake, although there has not been any conclusive evidence that this is actually occurring. However, evidence of problems with similar situations on other nearby lakes such as Flathead Lake indicate potential problems, especially where septic systems have been built in locations with high water tables or in extensive gravel deposits. Resolution of the sewage issue can be accomplished by either providing more adequate treatment of the existing wastewater or the elimination of the discharge sources altogether through acquisition.
5. Public Access. Certain private tracts are in areas planned for use by the public. Public access and use may conflict with private ownership.

6. Impacts on Wildlife Habitat. Residential and other private uses sometimes interfere with use of land by wildlife for feeding, nesting, resting, and migrating. These impacts are not confined to individual tracts. In sensitive areas, human uses, access roads, and utilities extend for substantial distances beyond the immediate area of a cabin site. These impacts are often cumulative.
7. Intrusions on Scenic Values. Some private residential development intrudes on otherwise undisturbed scenic vistas. Residential development on lakeshores also adversely affects opportunities for visitors to enjoy views of natural shoreline.
8. Fire Management. Private ownerships may interfere with plans for managing natural fires or conducting prescribed burns in accord with the approved fire management plan for the park.
9. Commercial Use. Privately owned businesses are currently meeting many needs for visitor services including lodging, food, camping equipment, etc. At current locations and intensity in already developed areas, these uses are acceptable, but substantial changes (increases or declines in service) could adversely impact visitor experiences by damaging scenic values, increasing traffic congestion, etc.
10. External Development. The area surrounding the park is experiencing substantial changes in land use from residential development, oil, gas and mineral exploration. These activities have direct impacts on the natural resources within the park boundary, especially air and water quality.

## II. PURPOSE OF PARK AND RESOURCES TO BE PROTECTED

- A. Purpose. The purpose of Glacier National Park is defined in the following four official actions:
  1. The park's establishing legislation, of May 11, 1910, 36 Stat. 354, defines its purpose as preserving the outstanding mountain area, characterized by spectacular Northern Rocky Mountain topography, active glaciers, and unique plant and animal communities for the benefit and enjoyment of the public.
  2. The National Park Service which administers Glacier National Park was established by the Act dated August 25, 1916, 39 Stat. 534, which in part states as its purpose to "conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."





0 10 20 30 40 50 miles  
0 10 20 30 40 50 kilometers

## VICINITY MAP GLACIER NATIONAL PARK MONTANA

U.S. DEPT. OF THE INTERIOR - NATIONAL PARK SERVICE

117 80,015  
2-11-83 RMRO

3. The park's purpose was expanded by Presidential Proclamation Number 2003 of June 30, 1932, to commemorate the friendship and goodwill of Canada and the United States through the establishment and management of Glacier National Park in the United States and Waterton Lakes National Park in Canada as an International Peace Park.
4. The park was designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a Biosphere Reserve under the Man and Biosphere Program (MAB) in 1976. This designation recognized Glacier's conifer forests, alpine tundra, diverse biotic communities and other unique environmental qualities and lends greater support and depth to the themes of Preservation (To conserve for present and future human use the diversity and integrity of biotic communities and to safeguard the genetic diversity of species), Research and Education (To provide areas for ecological research, including base line studies, both within and adjacent to Glacier).

B. Significance and Representation in the National Park System  
Glacier National Park is recognized as one of the world's most significant natural areas. The park is a rugged mountainous preserve of 1,013,595 acres characterized by spectacular topography, active glaciers, and unique biotic communities. It encompasses vast boreal ecosystems west of the Continental Divide of the Northern Hemisphere, as well as the semi-arid foothills of the Rocky Mountain front to the east. Extensive alpine meadows and glacially sculptured peaks straddle a triple divide from which pristine waters descend to three of the world's major oceans. Glacier is the only national park in the Western Hemisphere with headwaters that flow ultimately into the Arctic, Atlantic, and Pacific Oceans. From the high peaks, sweeping scenic vistas are enhanced by clear mountain air, with visibility extending up to 200 miles. Wide variations in elevation, climate, and vegetation types on both sides of the Continental Divide encourage substantial biological diversity, and offer sanctuary to numerous endangered, threatened, or rare species of North America.

Glacier shares a 39 mile boundary with British Columbia and Waterton Lakes National Park in Alberta, Canada, and is adjacent to a series of designated Wilderness Areas on the south, including the Great Bear, Bob Marshall, and Scapegoat Wildernesses. Thus, the park is located at the center of one of the largest intact wild ecosystems of the Rocky Mountain chain—an internationally significant location from the standpoint of scientific, aesthetic, and conservation values. Glacier's features draw over two million park visits annually, 20 percent coming from nations other than the United States of America.

Fifty small alpine glaciers of relatively recent post-Pleistocene origin dot the higher elevations. These

glaciers visibly demonstrate ongoing evolutionary processes of erosion and the development of topographical features. The scenic beauty inherent in the park's numerous hanging valleys, cirques, and aretes, in addition to more than 200 lakes and a 1450 mile network of streams and rivers, bears evidence of the glacial action that has shaped and continues to shape the geography of the region. Throughout the summer, for example, Upper Grinnell Lake contains huge blocks of ice broken from the glacier above, which still grinds away at the surrounding cirque walls.

Five caves have been discovered, and there is evidence that others may exist within the park. Haystack Cave has not yet been fully explored. Algal, Zoo, and Poia Lake Caves appear to have the greatest significance, and are unique as the only known caves in the Precambrian formation in Montana. Although they offer relatively few aesthetic attractions, the caves have significant geological and biological values.

The geological features of Glacier National Park are unique in several ways. Not only are the layers of the Precambrian Belt Supergroup extraordinarily well-delineated in the 33 percent of the park that is above tree line, but the layered sedimentary structures have been unusually well-preserved in the dry eastern-slope climate. The Belt Supergroup in Glacier also contains the most diverse and best preserved assemblage of stromatolites, fossilized algae and bacteria, on the continent. Furthermore, the Lewis Overthrust fault, a classic example of an overthrust fault, is exceptionally visible in the park.

The complex ecosystems of Glacier National Park provide habitats for more than 300 terrestrial wildlife species, including several endangered or threatened birds and mammals, and many rare species. As the central core section of a vast de facto international wilderness region, Glacier offers a sanctuary and corridor for Canadian and United States wildlife interaction, migration, and genetic exchange.

The park provides excellent habitat for the grizzly bear, a threatened species. A self-sustaining population of more than 200 grizzlies exists in Glacier Park. Approximately twice that number of black bears also inhabit the park.

The gray wolf is an endangered species in the United States, existing as a small population primarily in the North Fork of the Flathead River area. Individuals and small family groups move back and forth across the international boundary with British Columbia and Alberta. Currently, the park is participating in an interagency wolf recovery program, which is concentrating its efforts in the seriously threatened North Fork region.

Both the bighorn sheep and the mountain goat are indigenous to Glacier, the only National Park in the United States with both native species. A healthy population of mountain goats inhabits the highest alpine ridges and cliffs on both sides of the Continental Divide. A major natural mineral lick at the south end of the park regularly attracts large numbers of goats, and receives special protection and interpretation by park staff members. Bighorn sheep populations inhabit the east side of the park primarily, and are especially abundant in the Mary Glacier and Two Medicine areas.

Other noteworthy mammal species, all of which are either listed nationally as rare, or are considered by the Montana Department of Fish, Wildlife and Parks (MDFWP) as species of Special Concern include: lynx, mountain lion, river otter, wolverine, least weasel, fisher, hoary marmot, and northern bog lemming.

A total of 378 bird species have been recorded in the State of Montana, and 246 of these, or 65 percent, have been reliably observed in Glacier National Park. Two of the park's birds are endangered, 62 are on one of the three Audubon lists of birds having declining or abnormally low populations in part or all of their ranges, and 13 others are listed by the MDFWP as species of Special Concern for one or more reasons. These troubled species represent a total of 31 percent of those that have occurred historically in the park.

The bald eagle, an endangered species, nests in Glacier in small numbers. Approximately 1000 bald eagles per season frequent the lower McDonald Creek area during fall migration. The eagle concentration is a consequence of the annual spawning run of kokanee salmon. The gathering constitutes one of the largest such bald eagle concentrations in North America and in the world. The park is a focal point for eagles in route from scattered northern Canadian nesting areas to wintering grounds throughout the western United States.

Another endangered species, the peregrine falcon, passes through the park on migration. The Audubon Blue List of species likely to become endangered soon, includes 14 birds of Glacier. Among these are the western grebe, American bittern, Swainson's hawk, long-billed curlew, hairy woodpecker, willow flycatcher, and loggerhead shrike. Several of these species are still relatively common in the park.

The park provides one of the last strongholds for native westslope cutthroat trout, having approximately 98 percent of the remaining genetically pure populations. Although the westslope cutthroat was removed from the United States Rare and Endangered Species List in 1972 due to taxonomic confusion, the species is considered very rare by ichthyologists, and has been extirpated from 90 percent of its historic range outside the park.

Glacier National Park provides habitat for several hundred aquatic invertebrate taxa, and scientists believe that numerous undescribed plankton species are yet to be discovered. In the park's Zoo and Algal Caves, researchers have recently discovered two amphipod species new to science, the first troglobites to be identified in Glacier Park. Continuing research holds promise of further significant discoveries.

From both the aesthetic and scientific viewpoints, Glacier National Park harbors unusual advantages for the student of North American vegetation. The present floral mosaic of the park has developed since the last major glacial retreat, about 10,000 years ago. Although nearly two-thirds of the park is forested, at least 1025 vascular plant species from 360 genera adorn its riparian zones, woodland floors, meadows, slopes, and crags. Because the growing season is so short at this latitude, especially at the higher elevations, spring, summer, and fall-flowering species bloom at once in a lavish and colorful display that peaks in July.

The most significant scientific feature of Glacier's flora is its diversity. The park is a meeting ground for species representing five major floristic provinces. In addition to the predominant Northern Rocky Mountain flora, many species of Great Plains affinities grow along the eastern slopes, and a wide variety of arctic-alpine plants occur above timberline. Numerous Pacific slope and boreal species reach their southern and eastern limits in the park. Major factors contributing to this high floristic diversity include the contrast between climates of the east and west sides of the Continental Divide, the sharp topographical relief, and the wide range of soil acidity or alkalinity.

The vast floral diversity of these varied habitats provides a significant reservoir of genetic material. Twenty-six rare Montana plants have been recorded in Glacier Park (Lesica, 1984), of which 18, or 69 percent, are found only in the park and its immediate environs. The integrity of the park's floral species remains largely intact at the present time.

Although Glacier National Park is basically a natural heritage preserve, past human activities have contributed important cultural features as well. Park cultural resources include prehistoric sites in addition to historic lodges, cabins, administrative buildings, Going-to-the-Sun Road, and an extensive trail system.

The park encompasses 27 known prehistoric sites, some dating back to around 1000 B.C. Archaeological artifacts and other evidence indicates that Glacier served as a base for native American hunting and gathering camps, particularly along the shores of St. Mary and McDonald Lakes. The mountain passes provided travel corridors for Blackfeet raiding parties, and for Kootenai, Kalispell, and Flathead tribal migrations to the Great Plains for seasonal buffalo hunts. Some evidence suggests the use of Chief Mountain and the Two Medicine area as ceremonial or religious focal points for members of the Blackfeet tribe. Many of the park's place names are of native American origin.

C. Existing Management

1. Statement for Management. The following management objectives from the park's statement, approved in 1981, relate to this plan:
  - a. To perpetuate the park's outstanding scenery, vegetation, diverse wildlife, and physical resources as a natural area and in consonance with its status as a World Biosphere Reserve and to provide for visitor enjoyment in a manner which minimizes the adverse effects of human activities on these resources.
  - b. To provide visitors with the opportunity to see, enjoy and appreciate the park's resources to the maximum extent possible without adverse effects on these resources.
  - c. To make available diverse opportunities for public recreational activities, such as picnicking, camping, riding, hiking, boating, and sightseeing in locations and at intensity levels that are compatible with long-term perpetuation of natural and cultural resources.
  - d. To perpetuate breeding populations of all native wildlife species and to promote the long term survival of the Northern Rocky Mountain wolf, grizzly bear, bald eagle, and other endangered or threatened species in the park and its region.
  - e. To manage the flood plain of lower McDonald Creek to preserve a habitat and refuge for the annual assembly of bald eagles.
  - f. To restore natural environmental conditions in areas that have been damaged by excessive use or unacceptable development.

- g. To identify, evaluate, protect, and preserve the park's archeological, historical, and architectural resources in a manner consistent with legislative and executive requirements, National Park Service policies, and the perpetuation of the park's natural resources.
  - h. To ensure that park structures are located in areas that are not subject to flooding and other environmental hazards, and that such structures are visually compatible with each other and with the natural environment.
  - i. To secure an adequate land base, through opportunity purchase of inholdings or other means, to facilitate protection of the park's scenery, natural features, and cultural resources.
  - j. To cooperate with inholders to promote acceptable uses of private lands within the park.
  - k. Provide a fire prevention and fire protection program to ensure the safety of visitors, employees, concessioners, contractors, and inholders.
2. Master Plan. Prepared in 1977, this plan provides general direction for management actions involving resource protection, development and visitor use in the park. It classifies park lands according to their intended use and establishes limits for the use on these lands. All privately owned lands within the park are classified in the Special Use Zone which allows for the continuation of acceptable private use. Adjacent park lands are classified in the Natural Zone or Development Zone which provides for their use for visitor activities, facilities, wildlife protection or cultural resource preservation. In some cases these public uses are compatible with uses on the adjacent private lands.
  3. Natural Resources Management Plan. This plan, approved in 1983, specifies how the park's natural resources will be managed. It details the requirements for the protection of plant and wildlife species, air and water quality and management of fire, all of which could affect the use of private lands in the park.

#### D. Protection Goals

The long-term goals of the National Park Service are to perpetuate the natural resource processes, cultural resources and public use values for which Glacier National Park was established and to provide for effective management of the park. These goals are based on the purpose of the park as defined in its enabling legislation and the purposes of the National Park System. Natural resource values include the changing natural systems which give the park its outstanding

diversity of wildlife habitat, vegetation and scenery. Retaining high water and air quality and protecting vegetation, soil and wildlife species from disturbance are critical to perpetuating these natural systems. The park's historic lodges, roads, cabins and other structures are significant contributions to the history of the area and must be preserved in accordance with historic preservation law and National Park Service policy. While preserving the park's resources the National Park Service must also provide for public use and administration of the park. The bulk of public use at Glacier National Park is accommodated at the park's developed areas where facilities are provided to handle intense levels of use. In these developed areas, the National Park Service gives priority to satisfying visitor needs in a manner that is compatible with the natural and cultural resources. Administrative developments such as ranger stations, utilities and employee residences are needed to provide visitor services and protection. They are kept at a minimum level and are planned so as not to cause serious disruption to the park's resources.

- E. Protected Species. Three animal species protected under the provisions of the Endangered Species Act, the bald eagle, gray wolf and the grizzly bear, are affected by the alternatives considered in this plan. Impacts are described in Section IV for each group of lands. The U. S. Fish and Wildlife Service generally concurs with the provisions of this draft plan. A copy of the consultation correspondence is included in Appendix I.

### III. LAND OWNERSHIP AND USES

#### A. Landowner Rights

The legislation which established Glacier National Park addresses landowner rights by providing, "That nothing herein contained shall affect any valid existing claim, location or entry under the land laws of the United States or the rights of any such claimant, locator or entryman to the full use and enjoyment of his land." The purpose and intent of this statement is to clarify that the establishment of the park did not nullify the right for holders of unpatented claims and homesteads to receive patent to their claimed lands. Furthermore, they can continue to use these lands even though patent had not yet been granted. It does not limit the authority of the National Park Service to acquire lands within the park boundaries or the right to regulate land use. Protection of resource values and the right of the public to enjoy the park must receive priority if there is a conflict. Since the United States has exclusive jurisdiction within Glacier National Park, no other levels of state or local government have the authority to regulate land use or to enforce state or local laws. Thus, the United States, through the National Park Service, retains the right to develop land use standards.

## B. History of Land Acquisition in the Park

Since establishment of Glacier National Park in 1910; 21,548.54 acres of land within the park boundary have been acquired, all but 18 acres in fee simple title. Of these; 9,498 acres were acquired from the State of Montana, 32 from Flathead County and 13,198 from private landowners. All lands, except for 9 tracts where eminent domain authority was exercised, were acquired through a negotiated purchase or by donation. Acreage acquired is listed below:

### Fee acres acquired

|                       |            |
|-----------------------|------------|
| Purchase              | 19,024.31  |
| Complaint             | 169.32     |
| Declaration of Taking | 894.16     |
| Donation              | 1,401.25   |
| Exchange              | 3.19       |
| Transfer              | 112.10     |
| Withdrawal            | 991,174.52 |
| Disposal/Other        | 73.56      |

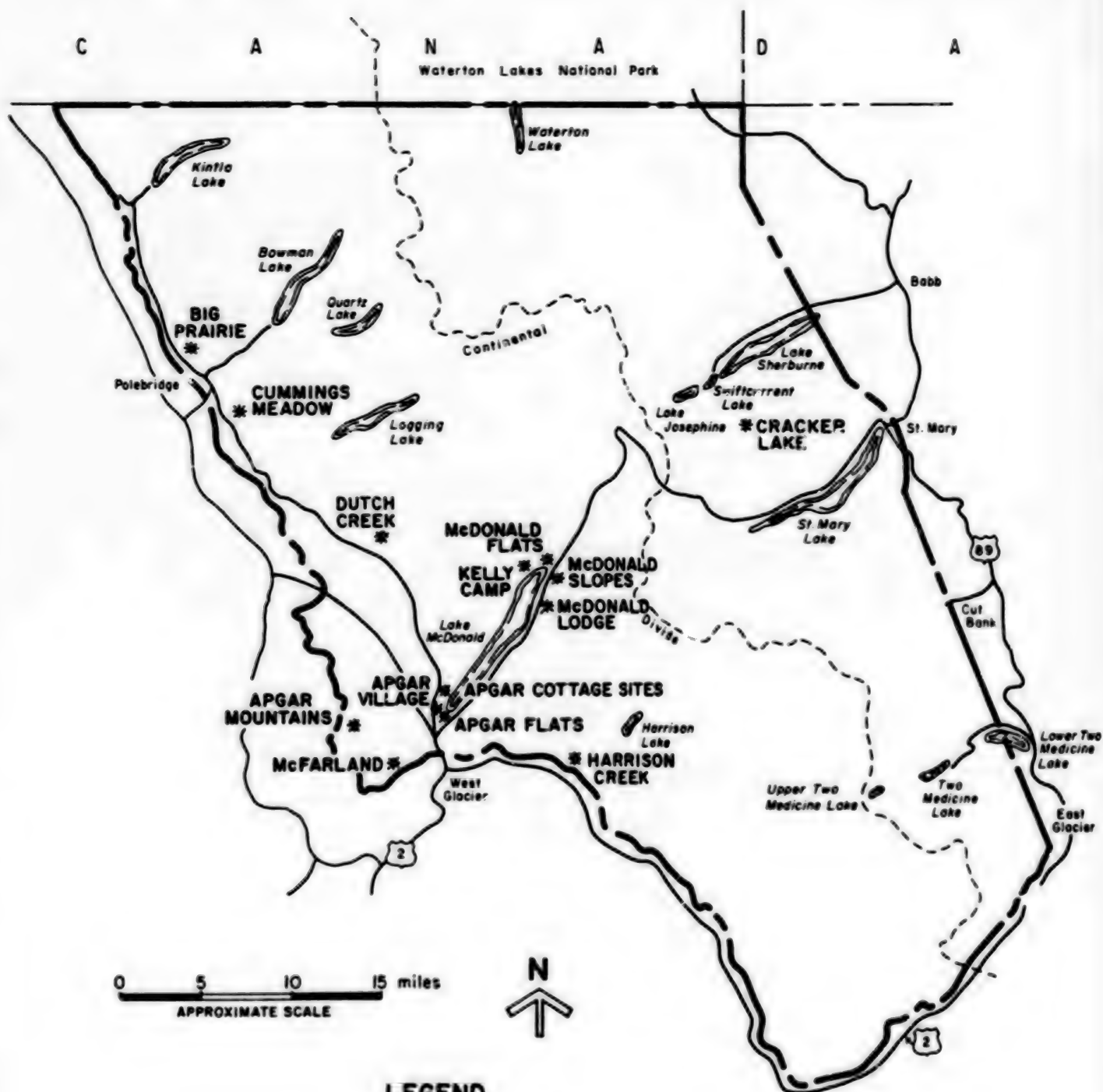
### Less-than-fee acres acquired

|          |       |
|----------|-------|
| Purchase | 17.32 |
| Donation | .45   |

## C. Description of Existing Land Use

Non-Federal lands in Glacier National Park are either undeveloped or are used for residential, recreational or commercial purposes. Most private tracts are small lots, but a few comprise 50 or more acres. Most of the residential and all of the commercial uses occur during the mild summer season. For the purpose of this plan, the lands shown on the non-Federal Lands Location Map are described as follows:

| <u>Group</u>          | <u>Land Use</u>          | <u>Acreage</u> | <u>Nb. Tracts</u> |
|-----------------------|--------------------------|----------------|-------------------|
| Kelly Camp            | Residential              | 4.28           | 10                |
| Upper McDonald Flats  | Residential              | 16.35          | 7                 |
| Upper McDonald Slopes | Residential              | 1.99           | 3                 |
| Lake McDonald Lodge   | Residential/Commercial   | 3.58           | 14                |
| Apgar Flats           | Residential              | 1.21           | 5                 |
| Apgar Village         | Residential/Commercial   | 5.44           | 13                |
| Apgar Cottage Sites   | Residential              | 15.87          | 30                |
| McFarland             | vacant                   | 142.49         | 1                 |
| Apgar Mountains       | vacant                   | 48.64          | 42                |
| Dutch Creek           | Residential/Commercial   | 53.37          | 3                 |
| Cummings Meadow       | Residential/Recreational | 130.00         | 1                 |
| Big Prairie           | Residential/vacant       | 86.99          | 18                |
| Cracker Lake          | vacant                   | 68.13          | 2                 |
| Harrison Creek        | vacant                   | 120.00         | 1                 |
|                       |                          | <u>698.34</u>  | <u>150</u>        |



# **NON-FEDERAL LANDS LOCATION MAP** **GLACIER NATIONAL PARK**

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

#### D. Potential Uses

While the existing uses of private land in Glacier National Park are largely viewed as acceptable by the National Park Service, there is also a potential that these lands could be used in an incompatible manner. Undeveloped lots, if they were developed by the private landowner for seasonal cabins or commercial uses, could disturb wildlife habitat, cause adverse visual intrusions, and preclude public use. If larger tracts of private land were subdivided and developed, similar impacts could occur. Potential actions such as timber or brush removal could adversely affect park resources and visitor use. Changes in the use of private lands could have similar effects. For example change from a residential to a commercial food service use could have the adverse effect of disrupting vehicular circulation, increasing parking needs and overloading the park's sewer and water systems or a lack of action by the landowner in areas such as maintaining structures could lead to safety hazards for visitors or the loss of a valuable historic resource.

#### E. Sociocultural Characteristics of Community

The lands in Glacier National Park which are now non-Federal were settled during the 1890's under the provisions of the Homestead Act. The early settlers were largely subsistence homesteaders who supplemented their incomes with seasonal work in the nearby Flathead Valley. As access to the area improved and tourism became important in an economic sense, many of the landowners in the McDonald valley began to offer cabin and hotel accommodations. Between 1907 and 1930 several of the larger inholdings in the park were subdivided into small lots and sold to summer vacationers. Summer houses were developed by the owners on many of these small parcels.

Many of the private properties in the park have been in a single family ownership for several generations, and family members view these properties as an integral part of their family heritage providing them with enjoyment and a focus for family activities. The properties are used as vacation or seasonal residences by family members and may be the site of family reunions or other traditional family gatherings. Many of the owners have expressed a strong desire to retain their property in family ownership in the future.

Private landowners in Glacier National Park have expressed the view that their presence in the park provides a beneficial level of diversity, stewardship of park resources and service to park visitors. The landowners feel that they have a proper continuing role as residents of the park and that their role is beneficial to its resources and visitor enjoyment.

Commercial development on private lands in the park, especially in the Apgar Village area, form an important component of the local tourism economy. Lodging, grocery, restaurant, and gift sales services supplement those offered by the private sector outside the park in the West Glacier, Montana, community.

F. Compatible and Incompatible Uses

Private uses of land within the park for residential or commercial purposes is not generally consistent with the long-range goal of perpetuating and, in some cases, restoring natural resource processes, preserving significant cultural resources and providing adequately for public use. Specific concerns and examples are discussed in Section IV. B. under each group of tracts. However, the current level of private use is well established in the natural system and can be accepted as long as there is gradual movement toward restoration of natural conditions. In general, intensification of private uses resulting in substantial changes in the character of these existing uses may have adverse impacts on park resources that would necessitate action by the National Park Service. Examples of such uses include:

1. New commercial development.
2. New residential development on previously undeveloped land.
3. Subdivision or splits in ownership, or selling a portion of the land except with the approval of the National Park Service.
4. Expansion of an existing commercial or residential property without the approval of the National Park Service.
5. Conversion of a residential property to commercial use.
6. Construction of additional structures on previously developed property without approval of the National Park Service.
7. Uses which cause documented increases in damage to natural or cultural resources.
8. Timbering.

## G. Internal/external Conditions and Protection Activities

### 1. Conditions

Glacier National Park currently stands as one of, if not the best-preserved natural mountain ecosystem in the adjacent United States. It is because of the relative purity of Glacier's present natural systems that interest is now being focused by the resource and scientific communities and others on the park's value as a framework for monitoring regional environmental trends. The present purity of the natural systems and their vulnerability to damage is also one of the principal reasons Glacier has received so much attention.

Some of these threats are internal and presently producing adverse impacts for which the park is providing mitigation measures such as visitor impacts, sewage disposal, fire management, exotic plants, construction and maintenance. Examples of external influences include acid deposition, airborne pollutants and toxicants stemming from global sources and point sources near the park; loss of wildlife habitat and migration corridors on private and public lands surrounding Glacier associated with development and management activities; reduced water quality and loss of fish habitat associated with logging in the U. S. and Canada; threatened wildlife populations and migrations caused by increased human recreation use on lands surrounding Glacier; reduced quality of wilderness experience for Glacier users arising from increased access and human development surrounding the park; oil and gas development on Forest Service, Tribal and Canadian land adjacent to the park.

### 2. Existing Protection Programs

Park administrators, resource managers, rangers, interpreters, and research scientists cooperate in a unified program of preservation/conservation both inside and outside the boundaries of Glacier National Park.

#### a. Internal

Various management techniques are employed to deal with internal influences. National Park Service policy discourages the development of additional facilities in the park. If such development is necessary it is usually done within the already-disturbed use corridors. More than 92 percent of the park's land area remains protected in its wilderness state. The park's primitive North Fork area along with its small satellite campgrounds, is managed as a "wilderness threshold", a unique concept that allows only rustic facilities on approaches to wilderness regions, and discourages heavy use.

Visitor management holds impacts on natural systems to a minimum, while educational and interpretive programs encourage more informed and responsible park use. Backcountry use is monitored and a permit system regulates overnight use. No visitation is allowed in certain sensitive areas such as Algal and Zoo Caves where critical biological and geological research is in progress. Campgrounds and trails are temporarily closed in areas of frequent bear sightings or habitat alteration problems. Viewing of bald eagles during their fall concentration along lower McDonald Creek is strictly limited to the Apgar Bridge and to conducted naturalist trips to a viewing blind downstream. Planning is underway for protecting the entire lower McDonald Creek floodplain, optimum grizzly and eagle habitat, from incompatible development and use.

A number of monitoring programs are conducted in the park. Grizzly bear occurrence, for example, is monitored and incorporated into Glacier's Datapoint computer system. Monitoring of water quality, air pollution, acid precipitation, eagle-use days, and noxious weeds provides baseline data against which future environmental changes may be measured. The expanding data base contributes substantially to the protection and management of natural resources.

An active research division in the park currently conducts and oversees approximately 30 projects to establish criteria for conservation, management, or restoration of natural ecosystems and endangered or threatened species. Designation of the park as a Biosphere Reserve has resulted in an increased emphasis on scientific research. Subjects of studies now underway, either by park biologists or university scientists, include gray wolf ecology, ungulates, grizzly bears, bald eagle ecology, vegetation/habitat types, and aquatic ecosystems. Landsat imagery assists in the preparation of habitat maps for several species of wildlife.

Glacier National Park also seeks to preserve and protect its cultural resources. A draft management plan for cultural resources has been prepared and an active historical resource program works toward preserving and revitalizing Glacier's archives, historical structures, and archaeological sites. Prior to initiating new construction within the park, archaeological surveys are made and properties are evaluated for inclusion on the National Register of Historic Places.

b. External

In addition to encouraging natural and cultural preservation activities within their own jurisdiction, Glacier officials work actively with other federal and state agencies, the Blackfeet Tribe, Flathead River Basin Commission, university personnel, Waterton Lakes National Park, and other Canadian agencies in an ongoing effort to preserve and enhance the threatened ecosystems of the park. While the primary responsibility for decisions about the use of adjacent lands rests with other Agencies or the private landowners, the National Park Service takes every opportunity to alert the managers of these lands of the potential impacts on park resources. Emphasis in this is on reducing the adverse impacts rather than on preventing development. Legal action against point polluters outside the park boundaries is taken when necessary, but a cooperative approach to problem-solving is preferred, and often proves effective. Several government agencies and non-government groups have active programs for the protection of resource values on lands adjacent to Glacier National Park. These are summarized as follows:

1. The Flathead National Forest, in a Proposed Forest Plan, dated March 4, 1983, provided for special emphasis on preserving critical habitat areas for wildlife shared with the park in the North Fork drainages. This plan also provides for dispersed public recreation use on forest lands which could have an effect on visitor use of the park.
2. The Flathead Wild and Scenic River Management Plan approved by the U. S. Forest Service on August 19, 1980, classifies the North Fork of the Flathead River to the Camas Bridge as a Scenic River and the remainder of the North Fork and the Middle Fork along the park's southern boundary as a Recreation River. The plan also sets objectives and provides for optimizing public use and enjoyment of the rivers while maintaining their scenic, recreational and ecological integrity and protecting rights of private landowners in the river corridor. The plan proposes a use monitoring program whereby the thresholds of adverse impacts and resource, social and biological carrying capacity may be identified.

3. The Flathead Basin Commission was established by the State of Montana in 1983 to coordinate monitoring of the quality and conditions of Flathead Lake and natural resources within the Flathead Basin. The Commission will develop an annual monitoring plan, encourage compatible development and cooperation between Montana and British Columbia and undertake the investigation of resource conditions as necessary.
4. The Nature Conservancy, a private non-profit organization, is actively engaged in a program of land acquisition to protect ecosystem values in and adjacent to Glacier National Park.
5. The Montana Land Reliance is an organization similar to the Nature Conservancy which emphasizes land protection in Montana.
6. The National Park Service is working with private groups to establish land protection mechanisms in resource areas which influence the park.
7. The Glacier Natural History Association has a policy of accepting, holding and disbursing donated funds for the purchase of private lands within the boundary of Glacier National Park.

#### IV. LAND PROTECTION ALTERNATIVES AND IMPACTS

##### A. General Considerations

Several general alternatives were considered in response to goals for protecting the resource values on each tract or group of tracts of non-Federal land in Glacier National Park. Alternatives are discussed below in terms of their ability to provide interim protection as well as meet the long range protection goals defined in Section 2.D.

##### 1. No Action/Monitoring

This alternative simply means that the National Park Service would allow the present use to continue and would not initiate any action to acquire a property unless there is a change to an adverse use or unless the owner voluntarily initiates a proposal to convey to the United States, either as a willing seller or under hardship circumstances. Under the "no action" alternative, however, the Service would be monitoring all areas regularly to identify any changes in protection needs. Voluntary commitments or agreements to provide advance notice to the park of any intent to sell, subdivide, or build would be actively solicited from landowners willing to cooperate. In addition, personal conferences would be encouraged with all landowners to discuss future plans and

needs, particularly with those owners of undeveloped tracts having the most critical resource values. This alternative, leaving the land in private ownership, can be satisfactory as long as current, acceptable uses continue. This approach relies solely on informal cooperation of the private landowners to accomplish park protection goals and does not assure movement toward their implementation. A disadvantage is that unacceptable development, if cooperation fails, can occur faster than the Service can move to forestall it resulting in greater expenses later in acquiring the interests needed to meet the long-range protection goals.

2. Technical Assistance and Education

Technical assistance involves providing information about land protection requirements and encouraging voluntary actions to reduce adverse impacts of development. In some cases, for example, plans may be modified to reduce costs to the landowner as well as helping to protect park resources. Similarly, a reduction in the scenic impact of development could be achieved by changes in building design or in the color or material used for roofs and exterior walls. By providing landowners with technical information about natural resources, soils, and appropriate construction methods, adverse impacts could be reduced.

The major advantage of a technical assistance program as a land protection tool is that private landowners are provided with resource conservation and management advice, which when practiced, complements management of the land to achieve park objectives. Such approaches, however, depend entirely upon the willingness of landowners to cooperate and cannot provide any legally binding assurance of permanent protection. Advantages of educational approaches include low cost, building of community support, and potential for voluntary cooperation by landowners. Over the past several years, the park has been working with the private landowners in the technical assistance and education areas with generally positive results through modifications to planned construction and vegetation removal, and improved understanding of issues such as exotic plants.

3. Land Use Regulation

The National Park Service may use regulatory authority as one land protection method in Glacier National Park. Glacier's authorizing legislation gives authority to the Secretary of the Interior to make and publish such rules and regulations as are deemed necessary or proper for the protection, management and improvement of the park. The regulations, (U.S.C.) covered under Titles 16 and 18 of the United States Code and in Parts 1 through 7, and Part 12 of Title 36 of the Code of Federal Regulations (C.F.R.)

are the basic mechanism now used by Glacier to protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park System while Part 7 contains regulations specific to Glacier. Major revisions to these regulations were made in 1983 to reflect current public use and management needs. Also, in the revision process, Glacier developed supplementary provisions which were issued December 13, 1983, as a "Compendium of Designations, Closures, Request Requirements, and Other Restrictions Imposed Under the Discretionary Authority of the Superintendent."

With regard to the wastewater treatment and disposal issue on private lands, specific rules and regulations for Glacier are prescribed in 36 C.F.R. 7.3. Under these rules and regulations, no person is to occupy any building or structure intended for human habitation or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by State and County laws. Inspection procedures together with steps to be taken by the park when a sewage disposal system is found not to be in compliance with applicable State and County standards are also prescribed.

Under the Clean Water Act (Public Law 95-217), the National Park Service is required to meet State Standards as a minimum, but may impose more stringent standards upon itself. The Clean Water Act establishes a non-degradation requirement for Class I watersheds such as Glacier if the existing water quality is already better than that required by the applicable State and local standards. The Montana Department of Health and Environmental Sciences has placed Glacier National Park waters in the "A-Open, DI - 1" Classification (i.e., the highest quality) as part of their classification scheme and the non-degradation element does apply. Also, since the National Park Service has not developed standards specific to Glacier for sewage disposal systems, the State and local standards apply.

The rules and regulations mentioned above, relate principally to the controls needed for public use and recreation activities and not to land use on private lands within the park. Utilization of regulatory authorities to control land uses on private lands within the park has not been exercised by the park in the past and landowners have been encouraged to hook up to approved sewage systems. However, 36 C.F.R. 7.3 could be used to forestall adverse development. Federal zoning could also be a useful tool for land protection and, therefore, was analyzed as part of the land protection planning process.

The State of Montana ceded exclusive jurisdiction over the lands in Glacier National Park to the U.S. on February 17, 1911. The U.S. accepted the cession on August 22, 1914. The U.S. Court of Appeals has held that the cession from the State included sovereignty and political dominion over the privately owned land within the park boundaries. Macomber v. Bose, 401 F.2d 545 (C.A. 9, 1968). The cession did, however, save to the State of Montana the right to serve civil and criminal process (summons etc.) in civil and criminal actions as to matters occurring in Montana outside the park boundary; and to tax individual and corporate franchises and property "on the lands included in said park." 16 U.S.C. 163.

Thus, the United States has the power with respect to privately owned lands within Glacier National Park equivalent to the power local governments possess with respect to privately owned lands outside the park. This power, which is included in the authority granted to the Secretary of the Interior by Congress, 16 U.S.C. 3, is sufficiently broad to establish reasonable zoning restrictions which limit the density, type, location and character of private development. Such regulations might contain limits on the intensity of use, size of tracts, height of buildings, or establish standards for design, set-back of buildings from lakeshores or property lines, or prescribe open space requirements.

Reasonable Federal zoning of privately owned lands within Glacier National Park as a land protection tool affords benefits to both the private owner and the government. The private owner retains reasonable and adequate use and enjoyment of his property, while park resources are protected absent the costs and expenses of acquisition. While zoning might be an appropriate approach to resolve conflicts between park resources and developed tracts, residential and commercial, it would not provide the same permanent protective assurances afforded by ownership of the land or an appropriate interest therein. Federal involvement in zoning issues may be controversial and time-consuming. Zoning also may not be used to provide opportunities for public use and access.

#### 4. Cooperative Agreement

These are agreements between the landowner and the United States wherein the two parties agree to certain actions such as the landowner agreeing to limit use of his property or the National Park Service agreeing to maintain utilities. Nearly any requirement, restriction or responsibility can be addressed. This alternative makes the landowner a partner in the preservation of acceptable

uses, involves no expenditure of Federal acquisition funds and leaves the property on the county tax rolls. The primary drawback to this technique is that cooperative agreements generally lack stringency and may be discontinued within a specified notice period (typically 60 to 90 days). Cooperative agreements usually lack the assurance of permanent protection provided by acquisition of an interest in land. Nonetheless, it is possible that cooperative agreements could be specified in legally binding contracts as an interim protection tool.

Within Glacier National Park, cooperative agreements may work best to define acceptable interim uses and practices for the developed residential and commercial properties. These could take the form of a "Certificate of Compatibility" which would be voluntary in nature and signed by both parties for a given time period. An advantage to the landowner of such an arrangement would be assurance, that as long as they operate within the parameters defined in the certificate, the Service would not take actions to acquire their property. Such an arrangement would help resolve landowner concerns relative to continuity in park policy and treatment with changes in park personnel.

#### 5. Easements

An easement is a legally enforceable interest in land created by a transfer of a property right. Land ownership may be envisioned as a package of rights. Easements convey only some of those rights from one owner to another, while all of the other rights of ownership remain unchanged. Easements can be positive, such as, conveying a right of access; or negative, such as, limiting development and uses of the land to assure compatibility with the preservation and use of the park. The number of provisions that may be included in an easement is unlimited and positive as well as negative conditions may be combined.

Easements are useful if it is felt there is not a need to acquire all rights to a property to satisfy a long-term goal, or for interim protection.

Rights-of-way may be in the form of an easement. Right-of-way easement may provide public or administrative uses of private property for specific purposes without acquiring fee simple title to the property. The acquisition of rights-of-way is generally for roads, trails, and utility corridors needed for park use and development. We see no need at this time for any right-of-way easements.

Historic Preservation Easements can be used to ensure that historic structures are maintained in their historic appearance while allowing the property to remain in private ownership. Problems are that they are difficult to appraise and the relative ease with which the easement provision can be violated by an owner so inclined. Use of easements to protect the historic integrity of selected National Register properties in the park has some definite advantages to the park. For most historic structures, there is no need for government ownership, as provision for public use of the buildings is not necessary. In many respects, the structures may be better maintained in private hands than public due to the difficulty in obtaining adequate park level base funding for cyclic maintenance requirements. Also, the cost of a historic preservation easement should be effective in relation to fee interests.

Easements may not be suitable for undeveloped tracts in the park since it is anticipated that the cost comparison would show little advantage to the Service and little or no remaining usefulness to the owner after acquisition of an easement prohibiting development.

For developed tracts, cooperative agreements may be a more cost effective approach for controlling interim uses. Where cooperative agreements are not found to be adequate, easements could be utilized as an interim step towards protecting longer-term interests.

#### 6. Fee Acquisition

When all of the rights in property are acquired, the fee interest is transferred from one party to another. To date, all but a few acres of the private land in Glacier National Park have been acquired in fee. Purchase of land in fee simple title, in most circumstances, provides the maximum protection of land and its resources and often provides the greatest opportunity for visitor use. Fee acquisition is generally necessary and cost-effective where park resources require permanent protection and when long-range resource management requirements or public use demands encompass the entire tract, and essentially require no private development. On the other hand, where park objectives require that new development be managed or concentrated in certain locations rather than prohibited, easements may provide adequate and cost-effective protection. Disadvantages are that Federal monies may have to be spent for purchase, and that the land is removed from the tax rolls.

## B. Specific Site Considerations

In addition to the general considerations which apply to all non-Federal land in Glacier National Park, the specific characteristics of each tract or group of privately owned tracts were considered. The following is a description of the resource values and specific impacts related to each alternative considered.

### 1. McFarland Tract 12-101

#### a. Description of Resources

This 142.49-acre tract is located on the Middle Fork of the Flathead River about one-half mile downstream from the confluence with McDonald Creek as shown on the map. The property is near an unimproved park road, with no improved road access or structures on the tract. It possesses exceptionally high value for wildlife. The riparian forest on this property includes a substantial element of old growth composed primarily of black cottonwood, western red cedar, western hemlock, western larch, white/Engelmann spruce, and Douglas-fir. During the autumn months this riparian old growth is heavily used by bald eagles, an endangered species. The eagles use the area for both diurnal perching and nocturnal roosting. A count on October 28, 1983, recorded 77 bald eagles perching on this property or feeding on carrion on a river island adjacent to the property. Most nocturnal roosting by eagles in this vicinity occurs farther from the river, but still on the McFarland property. Old-growth western larch is the tree most often used. During some autumns more than 40 bald eagles have been counted flying to roost at this site.

This property also is the heart of an active pileated woodpecker nesting territory. This woodpecker species uses a feeding territory of approximately 500 acres in Western Montana, so the species is not abundant. The species is old-growth dependent and the pair noted here has nested on the property for at least the past decade and probably for many decades. This site supports many other cavity-nesting birds.

In recent years numerous mammals have been observed on this land; these include mountain lion, lynx, coyote, moose, and elk. Both black and grizzly bear frequent the area.

The riparian forest on much of this property is subject to frequent flooding. Major floods occurred in 1964 and 1975. The existing old-growth forest withstands flooding and provides an important stabilizing influence. The long-term protection of this property is important to the integrity of this ecosystem.



0 2000 4000 6000 feet  
APPROXIMATE SCALE

### LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
-  02-100 TRACT NUMBER
-  NPS BOUNDARY

## LAND PROTECTION PLAN McFARLAND GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 | 80,019  
Aug 85 | RMRO

Federal lands adjacent to this tract are classified in the natural zone and are managed primarily for perpetuation of natural systems including natural fire processes. The tract is adjacent to the Middle Fork of the Flathead Wild and Scenic River Way. Visitor use on this tract is low.

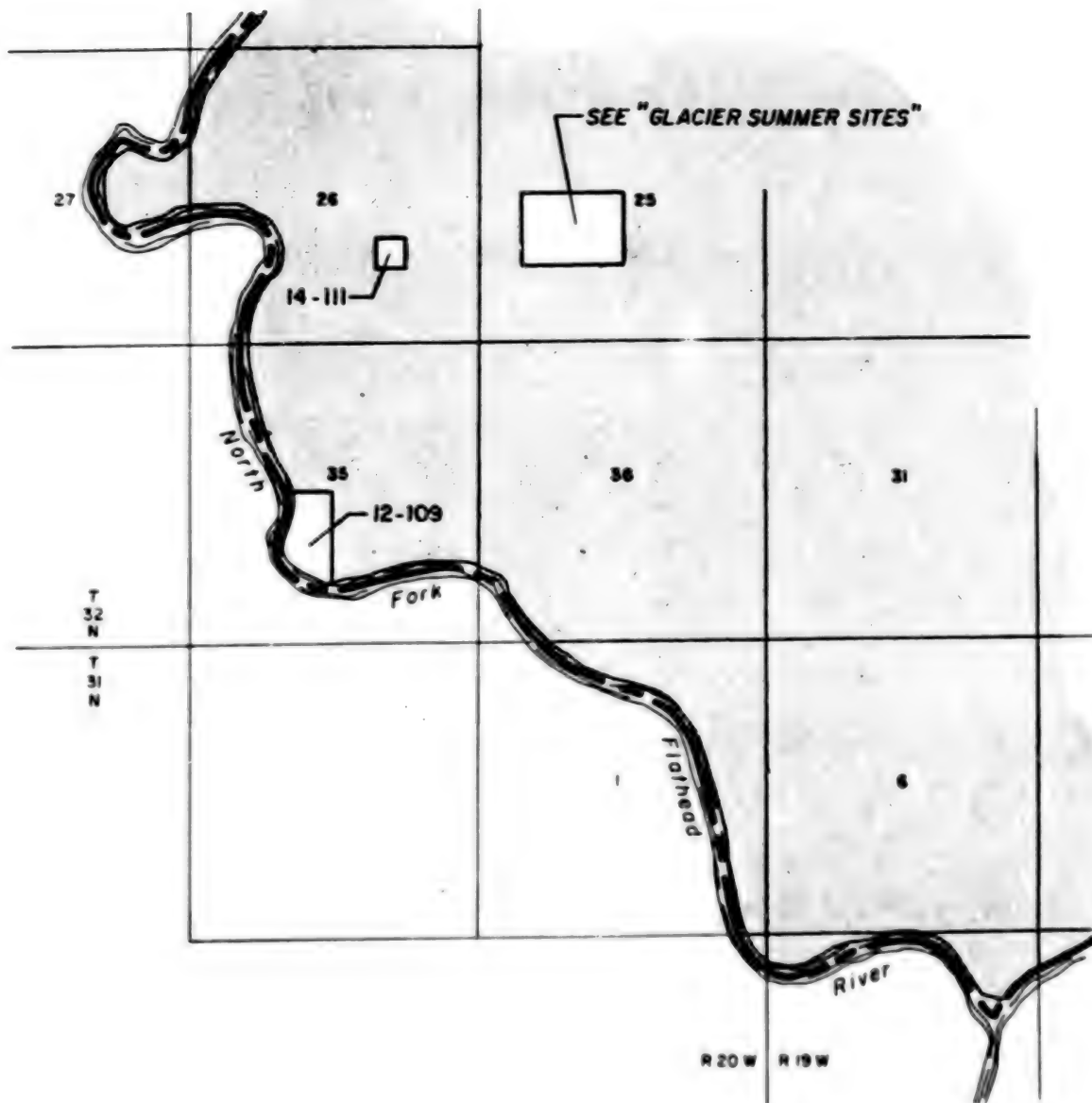
b. Recommendation.

This tract should be acquired in fee to prevent any private use or development that would disrupt use of the area by eagles and other wildlife and to permit the National Park Service to manage the area and its surroundings to allow for the restoration of a natural fire process and to preserve visual qualities. Habitat protection for the endangered Bald Eagle would be enhanced. The acquisition of a scenic or conservation easement which would prohibit the construction of roads and structures, vegetative manipulation and use during critical wildlife periods was considered but is not recommended since such an easement would not assure that the land will remain in its natural condition. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

2. Appar Mountains and Glacier Summer Sites Tract 12-109, 14-111, 15-105, 117, 118, 122, 132, 134, 153, 154, 156, 162, 170, 171, 173, 179, 180 182, 184, 190, 194, 196, 197, 199, 200, 16-103, 106, 113, 117, 118, 119, 122, 129, 135, 147, 158, 161, 162, 175, 179, 191, and 197.

a. Description of Resources

There are 48.64 acres included in the 42 tracts in this group located about 3 miles northwest of the confluence of the North Fork and Middle Fork of the Flathead River. The 15 and 16 prefix numbered tracts were subdivided and developed with clearing and grading for roads during the 1950's, however, these roads and the access road to the site have not been maintained and are virtually impassable. Long-term National Park Service goals are to discontinue use of all roads in this part of the park. There is only one structure in this area, a small cabin located on a tract donated to the National Park Service with a life estate by the former owner. Tracts 12-109 and 14-111 are not subdivided. The National Park Service has been acquiring land in the Glacier Summer Sites over the years on an opportunity purchase basis. The primary resource values in this area are wildlife habitat and visual qualities. The area is an upland conifer forest which provides excellent habitat for elk, deer, moose, black and grizzly bears and many species of birds. It is



## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
-  02-100 TRACT NUMBER
-  NPS BOUNDARY

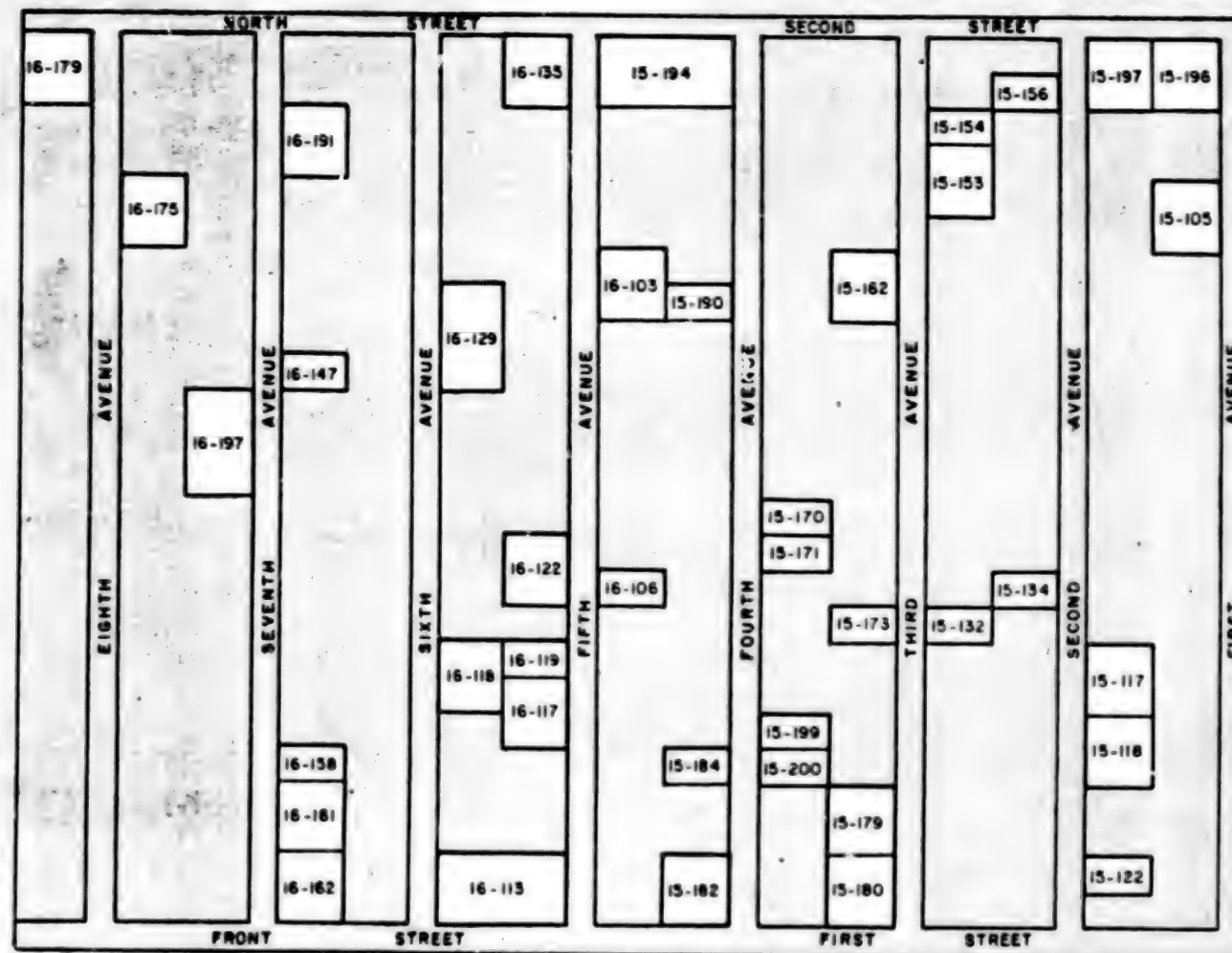


0 2000 4000 6000 feet  
APPROXIMATE SCALE

# LAND PROTECTION PLAN APGAR MOUNTAINS GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 | 80,020  
Aug 85 | RMFO



## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER



0 100 200 300 feet  
APPROXIMATE SCALE

## LAND PROTECTION PLAN GLACIER SUMMER SITES GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 80,021  
Aug 85 RMRO

30

also a calving area for deer, elk, and moose. It is surrounded by an area recommended for wilderness designation and is a potential addition to this recommendation. The National Park Service currently manages Federal land surrounding this group in the Natural Zone classification which provides for the perpetuation of natural systems. Tract 12-109 is located adjacent to the North Fork of the Flathead Wild and Scenic River Way. This segment of the river is managed by the Forest Service with primary emphasis on recreational values which include river access and maintenance of visual qualities. The Forest Service currently has a land acquisition program within the river corridor and authority for the Forest Service to exchange lands outside the park for this tract was included as a special provision of the 1985 Government appropriations bill.

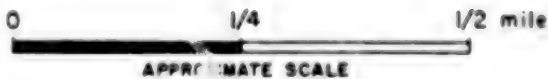
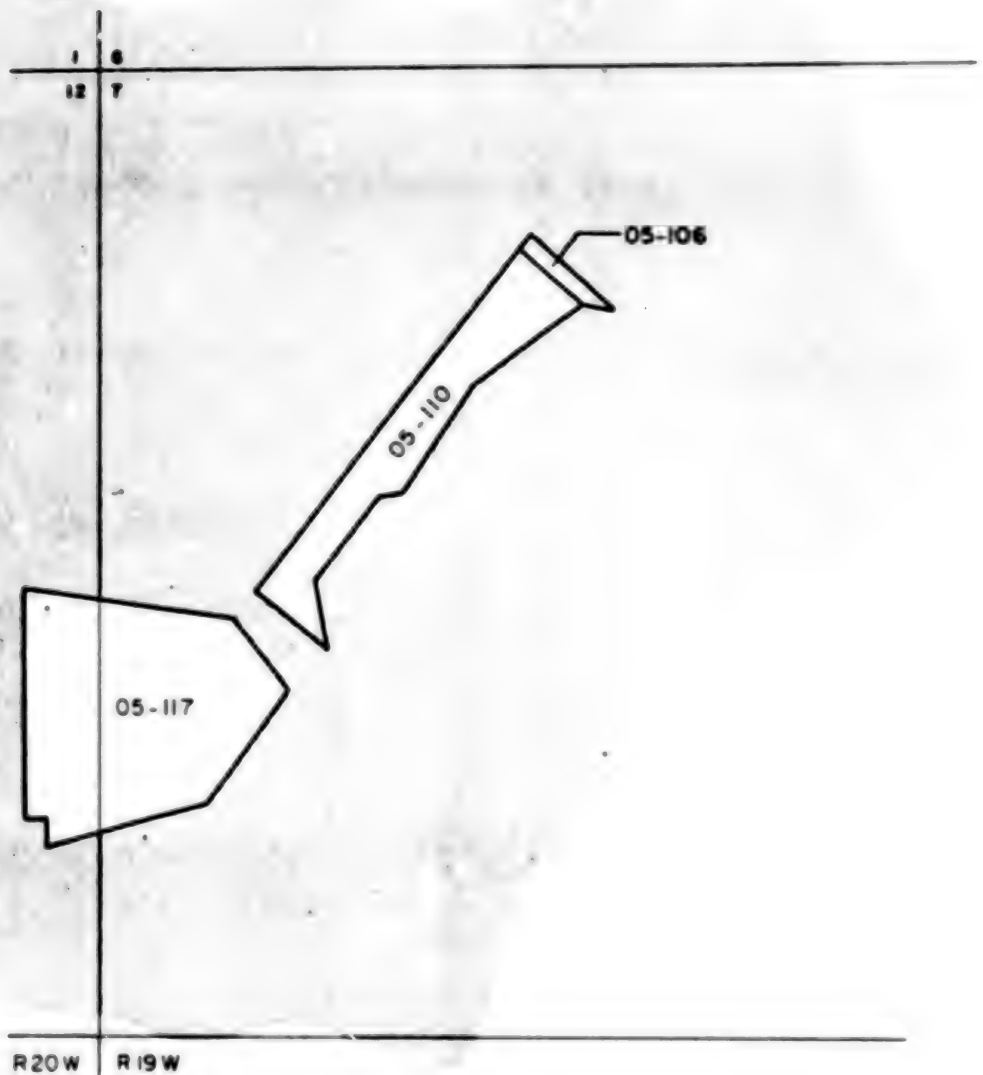
b. Recommendation.

The tracts in this group should be acquired by the National Park Service in fee to protect their primary natural resource values. This would prevent development and use that would interfere with wildlife habitat, expansion of natural fire management zones and eventual abandonment of all roads in this area of the park. Habitat for the threatened Grizzly Bear would be enhanced by this action. The acquisition of conservation easements was considered but is not recommended since they would not provide an assurance that the land would remain in its natural condition. Any use which would support a need for road access to this part of the park would be disruptive of the natural systems and intended National Park Service management of the area. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources. Tract 12-109 is recommended for exchange through the Forest Service.

3. Dutch Creek Tracts 05-106, 110 and 117.

a. Description of Resources

The 53.37 acres in the 3 tracts in this group are located east of the inside North Fork Road along Dutch Creek. Access is by a dirt road which is gated and locked. The only structure in the group is located on Tract 05-110, and is used for seasonal residential purposes. The land is a mixed upland conifer forest with minor riparian vegetation along the creek. The area is inhabited by elk, deer, and black and grizzly bear with moderate wildlife habitat values. Federal lands adjacent to this group are classified in the Natural Zone and are managed primarily for the perpetuation of natural values which could include the restoration of a natural fire process. They are recommended for wilderness designation.



## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER

# LAND PROTECTION PLAN DUTCH CREEK GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 | 80,022  
Aug 85 | RMRO

b. Recommendation.

These tracts should be acquired in fee and the structure removed to provide for long-term protection of the resource values. This will also permit the National Park Service to manage the area and its surroundings to allow for the restoration of natural fire process and to preserve scenic values as seen from public lands adjacent to these tracts along the inside North Fork Road. Habitat protection for the endangered grizzly bear would be enhanced. The acquisition of a scenic or conservation easement which would prohibit the construction of roads and structures, vegetative manipulation and use during critical wildlife periods would not provide adequate protection nor leave the landowner with any reasonable uses of the land. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

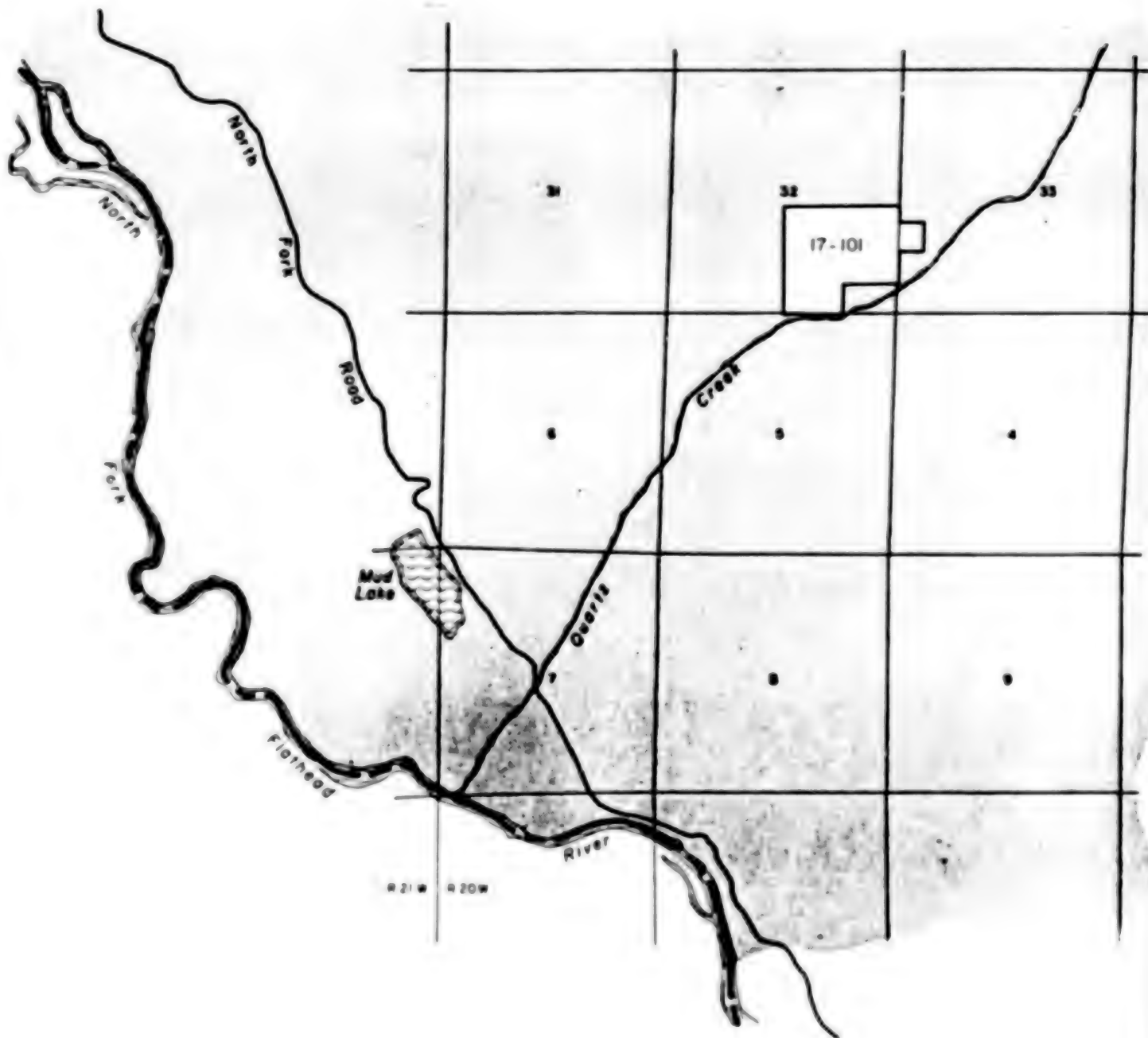
4. Cummings Meadow Tract 17-101

a. Description of Resources

This 130-acre tract is located in the Quartz Creek drainage about two miles upstream from the inside North Fork Road. Access is by an unimproved road from this road. There are five log structures on this property, all in poor condition and apparently unused, and numerous appurtenant structures. The primary resource value of this tract is its diverse wildlife habitat. It contains a complex of conifer stands, wet and dry meadows and minor riparian habitat types. The meadow ecosystem has a high value from a biological and scientific point of view. The area is important habitat for grizzly bears and is range for elk, deer and moose. The Quartz Creek drainage is felt to be the best and most pristine westslope cutthroat trout fishery in existence. Federal lands surrounding this group are classified in the Natural Zone and are managed primarily for perpetuation of natural systems which could include the restoration of a natural fire process. It is located in an area recommended for wilderness designation.

b. Recommendation.

This tract should be acquired in fee and the structures removed to prevent development and use that would interfere with wildlife habitat, water quality, and the management of the area and its surroundings to allow for the restoration of natural fire process and to preserve visual qualities. Habitat protection for the threatened grizzly bear would be enhanced. The acquisition of a scenic or conservation easement which would prohibit the



0 2000 4000 6000 feet  
APPROXIMATE SCALE

## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
-  02-100 TRACT NUMBER
-  NPS BOUNDARY

# LAND PROTECTION PLAN CUMMINGS MEADOW GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

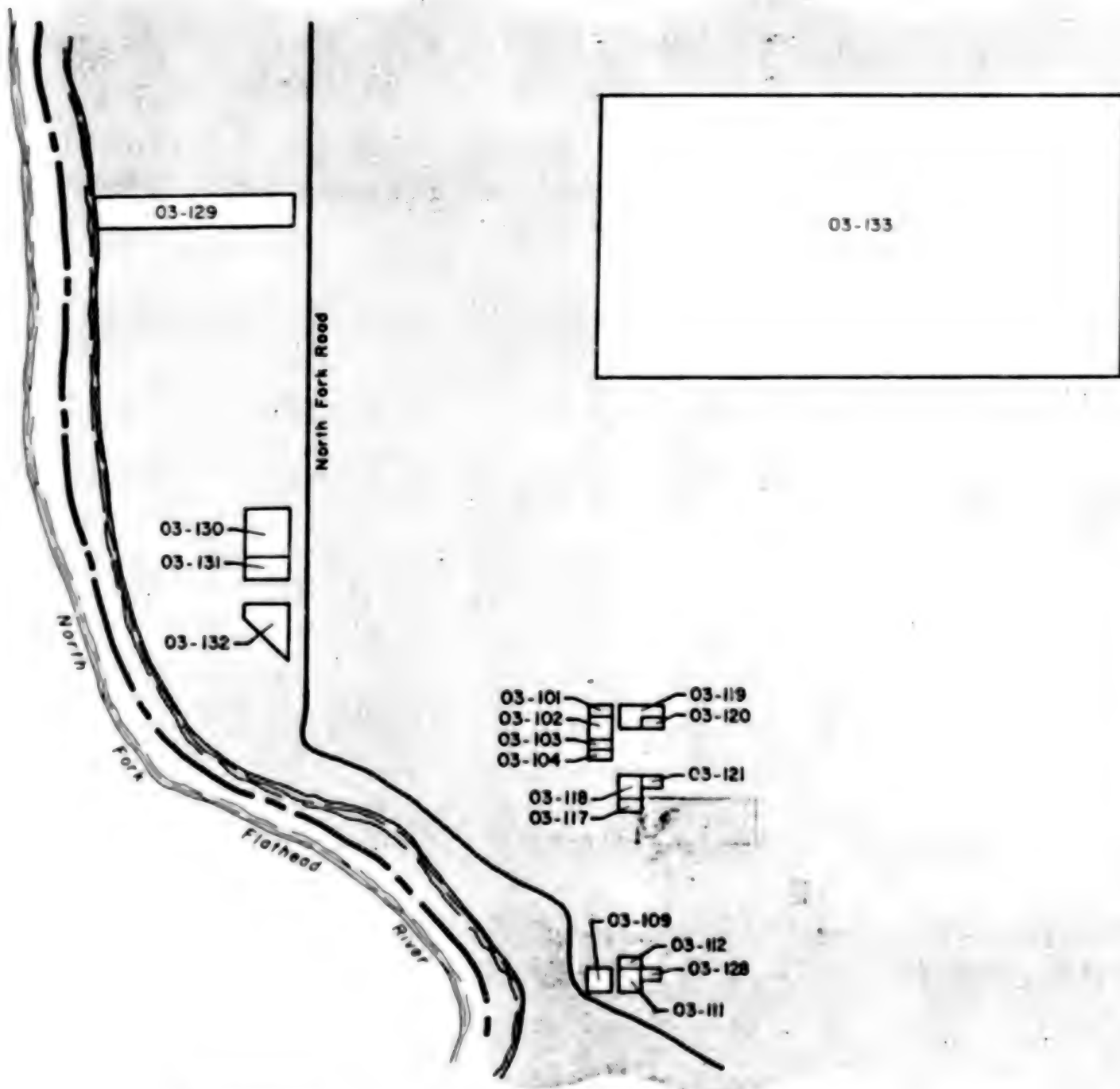
117 80,023  
Aug 85 RMRO

construction of roads and structures, vegetative manipulation and use during critical wildlife periods was considered but is not recommended since an easement which would meet these needs would not leave the private owner with any reasonable uses. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

5. Big Prairie Tracts 03-101, 102, 103, 104, 109, 111, 112, 117, 118, 119, 120, 121, 128, 129, 130, 131, 132, and 133.

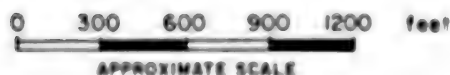
a. Description of Resources

The 86.99 acres in the 18 tracts in this group are located about 3.5 miles north of the Polebridge Ranger Station. The land in this group was originally settled during the early 1900's under the provisions of the Homestead Act and used as year-round subsistence homesteads. Following World War II, however, the character of use changed to summer cabin residency, and several owners subdivided their property for resale. Of the 18 tracts in this group, 5 are currently used as seasonal residences. The primary resource value of these lands is wildlife habitat. It is one of the few prairie savanna habitats west of the Continental Divide and is important winter range and year-round habitat for deer and elk. The area is currently being invaded by leafy spurge, an exotic plant species that replaces native grasses; and management actions, such as, clearing and reseedling are necessary to protect the integrity of this important habitat area. The National Park Service manages park lands adjacent to these tracts primarily for the perpetuation of their natural processes, including natural fire. The endangered gray wolf and black and grizzly bear inhabit the area and it has been identified as a major movement corridor for grizzly bears between the Flathead Forest lands west of the river and the park. Human occupancy interferes with this movement of wildlife according to ongoing studies by scientists in the field of bear management. Three of the tracts are located adjacent to the North Fork of the Flathead Wild and Scenic River Way. This segment of the river is managed by the U. S. Forest Service with primary emphasis on protection of scenic values. The Schoenberger Homestead, located on Tract 03-131, was built in 1916. It has been determined eligible for nomination to the National Register of Historical Places as a fine example of the style of subsistence farming common in the area between 1901 and 1910. It is also significant architecturally for its uniform log placement, dove-tail corner notching, window details and structural integrity. Cultural resource values are considered as secondary when compared to the natural resource values of these lands. Most tracts in this group are located within sight of the primary park road to Kintla Lake and structures have an adverse visual effect on an otherwise natural landscape.



# LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER
-  NPS BOUNDARY



## LAND PROTECTION PLAN BIG PRAIRIE GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

b. Recommendation.

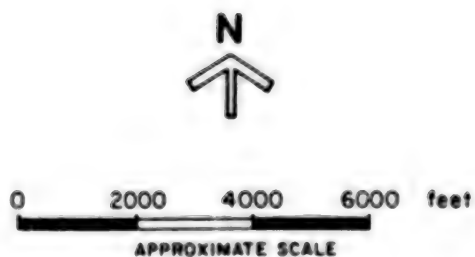
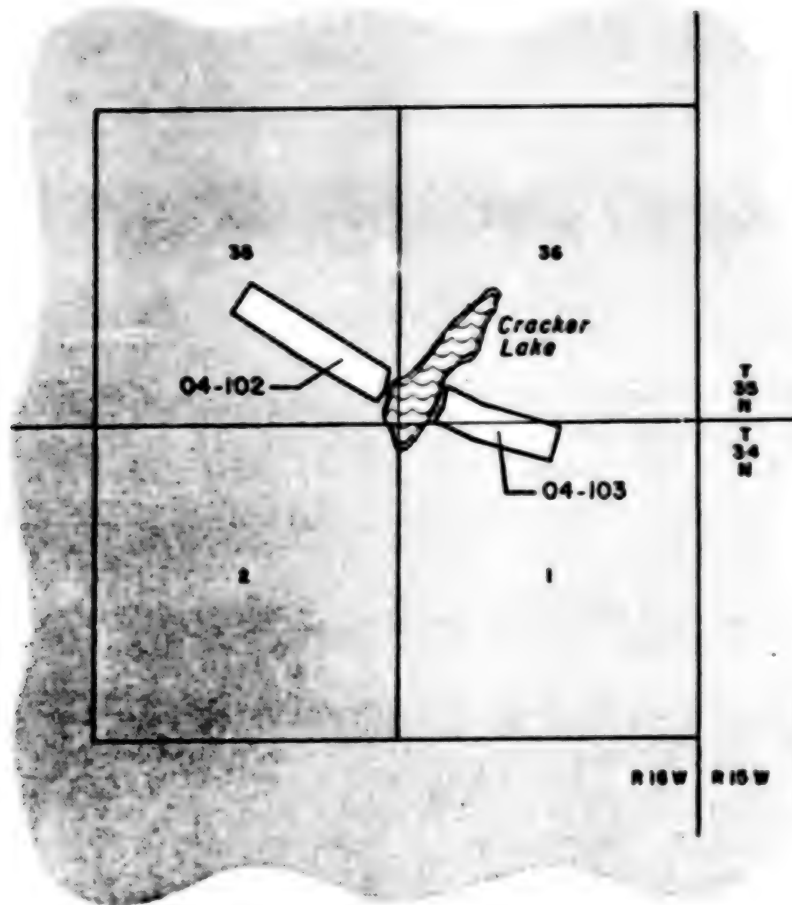
The historic Schoenberger Homestead, located on Tract 03-131 of this group, should be acquired as a historic easement. This would provide for preservation of its historic values while still retaining the private residential use of the property. Since this structure is on the southernmost edge of Big Prairie, the impact on wildlife habitat and scenic values is less significant than other tracts in this group. This structure contributes to the park visitors understanding of the history of the area while other structures in the area detract from the setting.

The remaining seventeen tracts in this group should be acquired in fee by the National Park Service and the existing structures removed so that they can serve their primary park purpose of perpetuating natural systems. This area of the Park is a critical corridor for movement of wildlife in the North Fork watershed and acquisition of fee title would allow the National Park Service to manage the area for the benefit of the endangered grizzly bear and other wildlife species. Visual qualities in the Flathead Wild and Scenic River Way would be enhanced by removal of the private structures along the river. The National Park Service would attempt to make agreements with the landowners in this group as an interim measure to allow for access to manage for the control of the exotic plants on these lands. Easements on the other properties would not provide adequate protection of wildlife habitat values or be effective in removing the structures. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

6. Cracker Lake Tracts 04-102, and 103.

a. Description of Resources

There are 2 tracts in this group involving a total of 68.13 acres. They are located adjacent to Cracker Lake about 3 miles southeast of the Many Glacier/Swiftcurrent developed area. There are no structures on these lands; however, there is an old mine shaft located on one of the tracts, the remains of a copper mine which operated at the turn of the century. The mine shaft is a safety hazard. The area receives heavy visitor use during the summer season as a destination for hikers, horseback riders and fishermen. The lands are surrounded by an area managed for perpetuation of natural systems and recommended for wilderness designation. It is inhabited by bighorn sheep and black and Grizzly Bear with wildlife diversity values rated as high.



## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER

# LAND PROTECTION PLAN CRACKER LAKE GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

b. Recommendation.

The two tracts in this group are recommended for fee acquisition by the National Park Service to prevent development that would disrupt the area's natural systems and interfere with visitor use and enjoyment of the area. This would enable the National Park Service to provide for long-term perpetuation of natural processes including fire in this part of the park. The acquisition of easements on these lands would not meet the management objectives of preventing any development of the property or assure that it remains in a natural condition. The existing abandoned mine shafts should be closed to visitor use to enhance safety. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

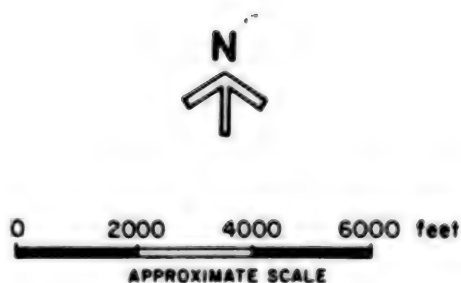
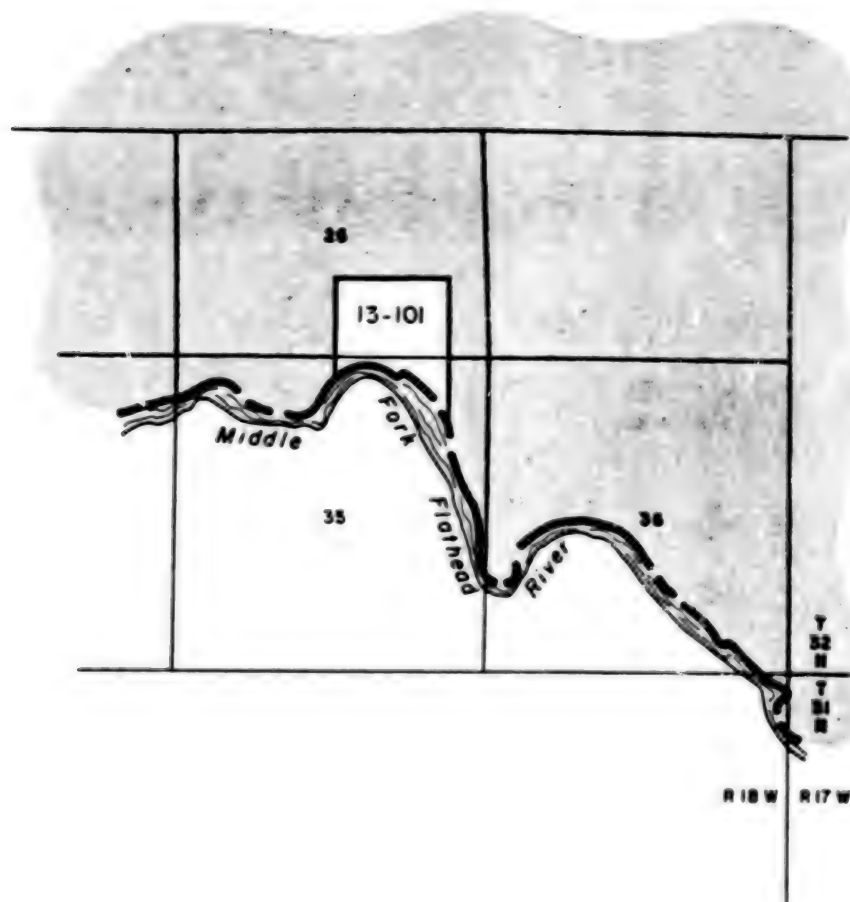
7. Harrison Creek Tract 13-101

a. Description of Resource

This 120-acre tract is located along the Middle Fork of the Flathead River about 1 mile upstream from its confluence with Harrison Creek. There is a 2-story building on the property which has fallen into a state of disrepair. Access to this tract is by National Park Service trail on foot or horseback. The land's primary resource value is as wildlife habitat, as it is a major riparian habitat adjacent to mountainous terrain. Elk, deer, black and grizzly bear and bald eagles inhabit the area and it is within an ungulate study area which has been monitored by the park since 1967. Both wildlife habitat and diversity values are high for this area. Development of the land and such activities as timber cutting or the construction of roads would adversely affect its wildlife habitat and scenic values. The adjoining Federal lands are classified in the natural zone and are managed primarily for perpetuation of natural systems. They are recommended for wilderness designation. The tract is located adjacent to the Middle Fork of the Flathead Wild and Scenic River Way. This segment of the river is managed by the Forest Service with primary emphasis on recreational values which include river access and maintenance of visual qualities.

b. Recommendation.

This tract is recommended for fee acquisition by the National Park Service to protect its primary natural and scenic values. This would enable the National Park Service to provide for long-term perpetuation of natural



## LEGEND

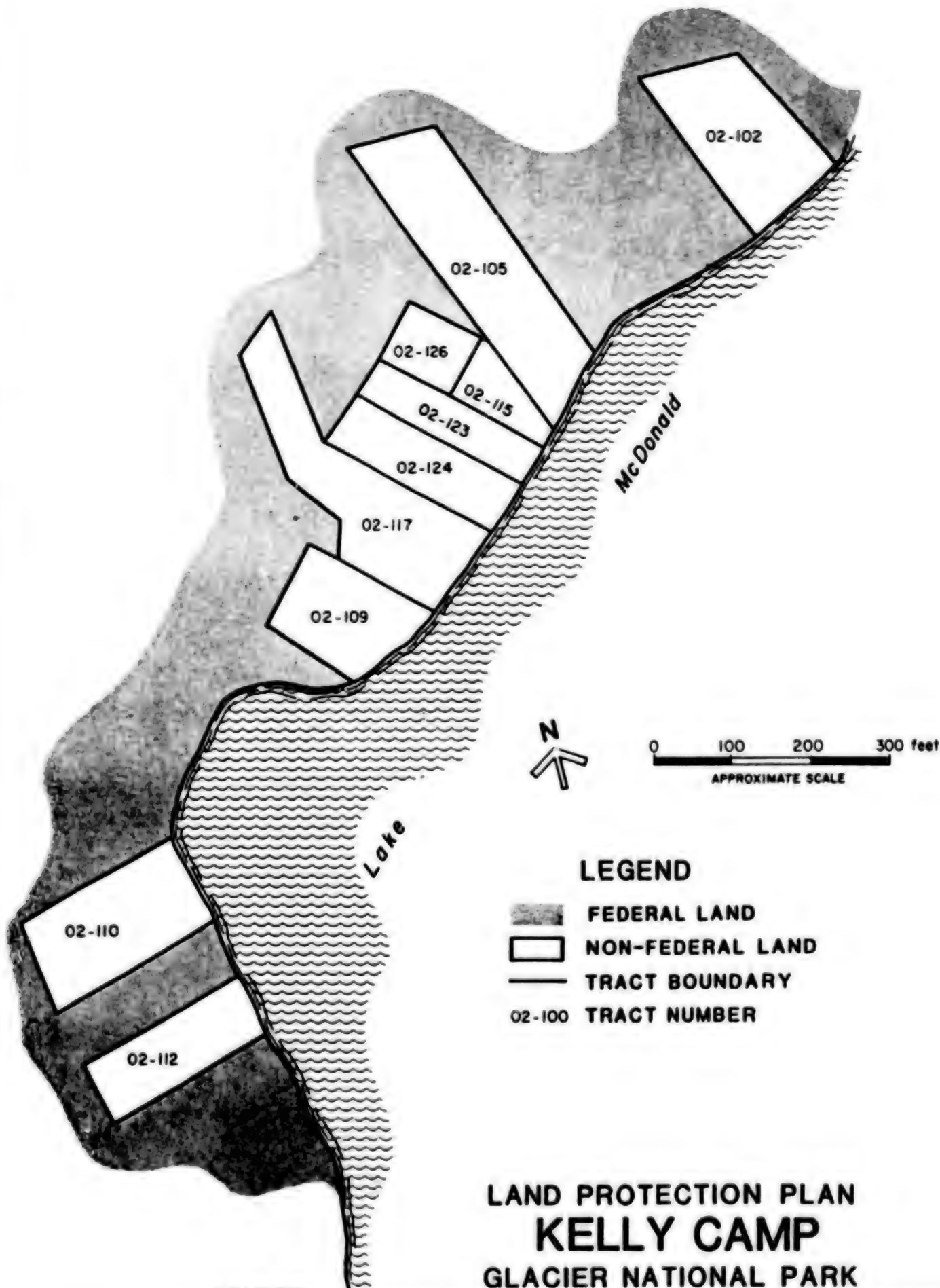
-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER

# LAND PROTECTION PLAN HARRISON CREEK GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 80,027  
Aug 85 RMRO

40 WEST CREEK



# LEGEND

- FEDERAL LAND
- NON-FEDERAL LAND
- TRACT BOUNDARY
- 02-100 TRACT NUMBER

## LAND PROTECTION PLAN KELLY CAMP GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 | 80,028  
Aug 85 | RMRO

BEST COPY AVAILABLE

41

processes including fire in this part of the park. Conservation easements and other interests would not provide adequate protection of these lands since there is no additional use of the land which would be compatible with preserving wildlife habitat and scenic values. Habitat for the Grizzly Bear, an threatened species, which uses this area would be enhanced by this action. Acquisition would be done only on a willing seller basis as long as use of the land remains the same.

8. Kelly Camp Tracts 02-102, 105, 109, 110, 112, 115, 117, 123, 124, and 126.

a. Description of Resources

Located on the North shore of Lake McDonald, the Kelly Camp group is composed of 10 tracts of private land consisting of 4.28 acres as shown on the map. These tracts contain 13 structures which are used for seasonal residences and utility purposes. There is presently no electrical service to the area, and it is impractical to provide centralized sewage treatment in the area. The current water systems in the area do not meet the State drinking water standards and would be difficult to improve. These lands are valuable to the park in that they are a key component of the natural resource system along the shore of Lake McDonald which includes summer and winter range for moose, deer and elk and is used in the summer by the threatened grizzly bear. They are located on a major fall migration route for the bald eagle, an endangered species. The only known permanent nesting pair of bald eagles in Glacier National Park has a nest near the Kelly Camp Area. It is probable that this nesting activity, which was once located near the lakeshore, has moved away from the lake as a result of disturbance from the cumulative effects of increased visitor and private use along the lakeshore. The area surrounding Kelly Camp has high value for inclusion in the natural fire zone; however, it is not due to the high risk associated with the presence of private property in the area. Secondary resource values on these lands are for visitor use and preserving historical structures. The Kelly Camp Group is located directly across the lake from the Lake McDonald developed area, a primary visitor use area. As such it forms an important part of the scene or visual backdrop from the area. Current private uses intrude on an otherwise natural scene from areas of intense public use. As these lands are located on a lakeshore, there is a potential for problems with sewage disposal; however, no studies have been done to document problems. Ten of the 13 privately owned structures in the group have been evaluated and may be eligible for nomination to the National Register of Historical Places as a historic district. The three remaining structures not eligible for

nomination are located on Tracts 02-109 and 112. Fire protection for these structures is limited. Access to the Kelly Camp tracts is by a 3-mile gravel road maintained by the National Park Service.

Lake McDonald is a major visitor use area in the Park supporting activities such as tour boating, boating, fishing and beach use. It also provides a foreground for distant views of the mountains from many points along the lakeshore. The Federal lands surrounding Kelly Camp are managed by the National Park Service primarily for their natural resource values. A trailhead and trail to Trout Lake are located about one mile north of the Kelly Camp Group.

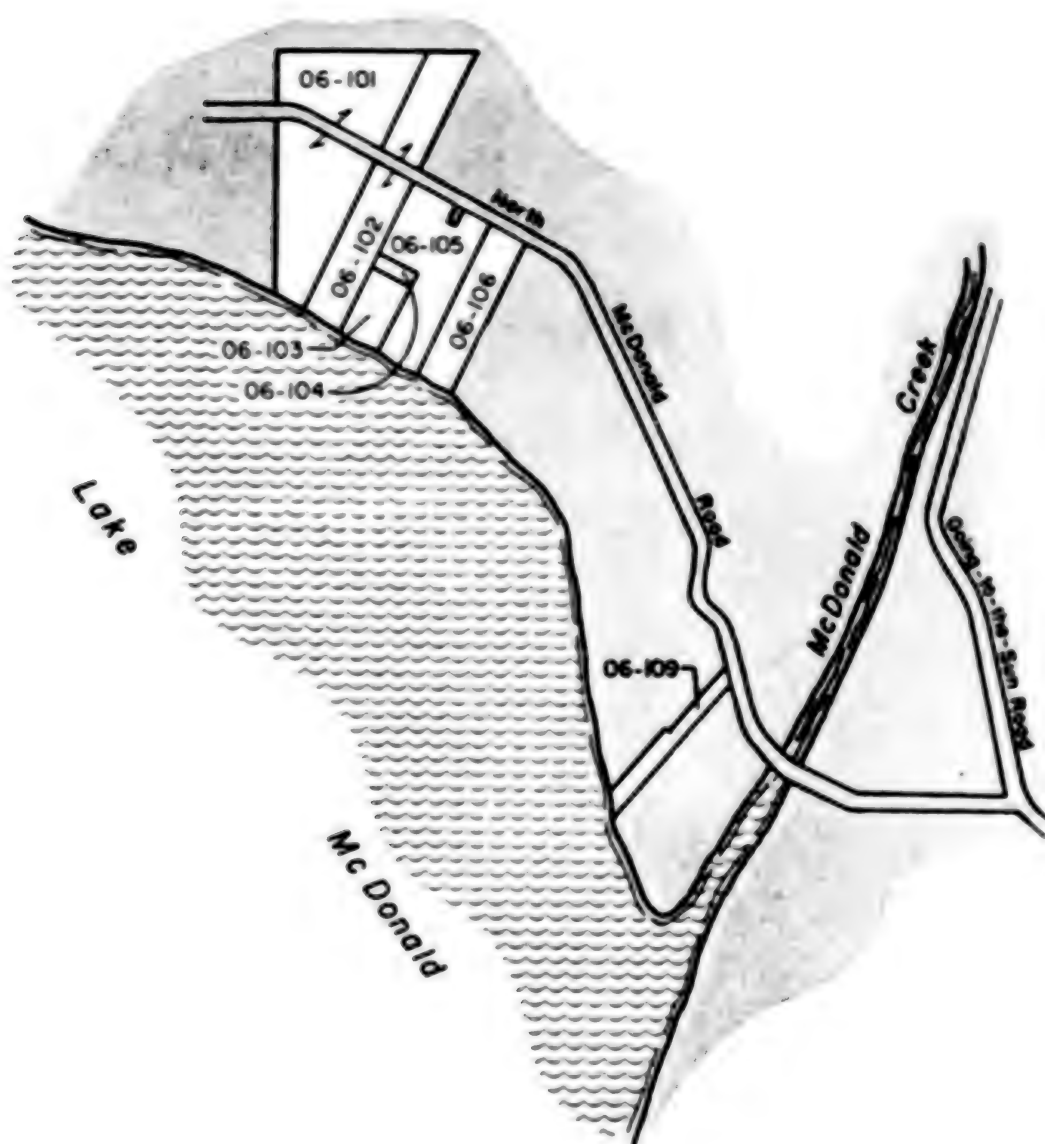
b. Recommendation

The National Park Service should acquire fee interests in all of the tracts in this group to eliminate visual intrusions, enhance wildlife habitat and restore the natural conditions of this area. As these properties are acquired, the historic structures would be removed following National Park Service guidelines in accordance with the Historic Preservation Act of 1966. These guidelines allow for the removal of historical structures if the National Park Service determines that the cost of maintaining them is prohibitive. The non-historic structures would also be removed. When all of the private lands are eventually acquired, the access road would also be removed and the trailhead relocated to the area of the McDonald Ranger Station. This would permit restoration of the area to its natural condition and relieve the National Park Service of the need to provide roads and utilities to the area in the future. Habitat for the grizzly bear and bald eagle would be enhanced. This recommendation is based on a consideration that long-term land use and maintenance problems with retaining the Kelly Camp structures outweigh the advantages of retaining the historic structures. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

9. Upper McDonald Flats Tracts 06-101, 102, 103, 104, 105, 106, and 109.

a. Description of Resources

The 16,000 acres of private land in this group are located at the upper end of Lake McDonald Creek as shown on the map. All of the seven tracts in this group are utilized as seasonal residences. The area's primary resource values are wildlife habitat and potential for public use.



## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER



0 400 800 1200 feet  
APPROXIMATE SCALE

# LAND PROTECTION PLAN UPPER McDONALD FLATS GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 80,029  
Aug 85 RMFO

It is a wintering ground for moose, deer, and elk and is located on a major fall migration route for the Bald Eagle, an endangered species. About 20 eagles utilize the banks of upper McDonald Creek in this area each fall for feeding and perching. Due to its relatively flat terrain and accessibility, the area has high value for future development as a visitor use area. The McDonald Ranger Station, a National Park Service administrative and visitor contact facility is located in this area. Several structures in the area are highly visible from visitor use areas on Lake McDonald. One structure, located on Tract 06-103, is eligible for listing on the National Register of Historical Places for its value as a State historic resource. This is due to its association with Senator Thomas V. Walsh, a noted Montana senator, and its illustration of the early subdivision activities of settlers in the upper Lake McDonald area. The area's cultural resource values are seen as secondary to the natural and visitor use values. Concerns regarding sewage and water quality are the same as those identified for the Kelly Camp Group. Federal lands surrounding the McDonald Flats group are classified in the natural zone and are managed primarily for the perpetuation of natural resource values. Lake McDonald receives heavy use from visitors engaged in boating, fishing, and sightseeing.

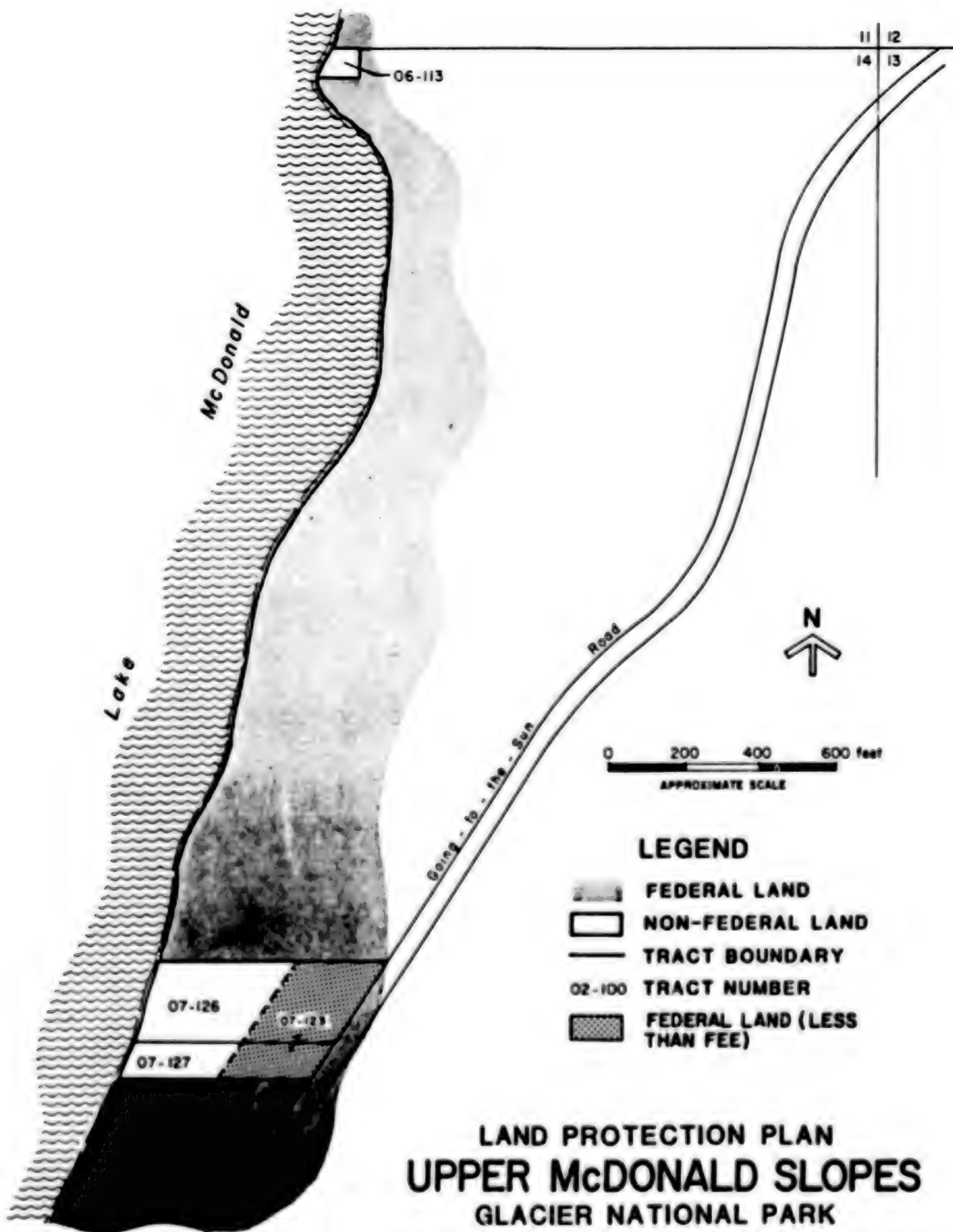
b. Recommendation.

The National Park Service should acquire a historic preservation easement on Tract 06-103 to assure protection of the historic values of this property. Fee interests should be acquired in the remaining tracts in this group to allow the National Park Service to manage the land for its primary park values, perpetuation of natural systems and visitor use. The structures on these remaining tracts would be removed as they are acquired. This would permit the long-term restoration of natural environmental conditions in the area and make it available for visitor use. Habitat for the Bald Eagle, a threatened species, would be enhanced by this action. Acquisition of these interests would only be done on a willing-seller basis as long as use of the lands remain the same. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

10. Upper McDonald Slopes Tracts 06-113, 07-126, and 127.

a. Description of Resources

Three tracts comprising 1.99 acres are included in this group located at the upper end of Lake McDonald east of McDonald Creek as shown on the map. All three properties



# LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER
-  FEDERAL LAND (LESS THAN FEE)

## LAND PROTECTION PLAN UPPER McDONALD SLOPES GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

46

117 80,030  
Aug 85 RMRO

are developed and used as seasonal residences. The lands provide habitat for wildlife; however, existing structures intrude on the natural scene from heavily used viewpoints on Lake McDonald. As they are located on a lakeshore, potential sewage discharge problems similar to the Kelly Camp area may apply to these lands; however, no actual problems have been documented. The National Park Service has acquired a scenic easement on a portion of these lands, identified as Tract 07-123 on the map. This easement prohibits the development of the property, timbering and construction of structures, however; it allows for a road and construction of a dam and pipeline. These facilities and other uses not prohibited by the easement could disrupt natural processes on the site such as wildlife use and scenic quality. Federal lands surrounding this group are classified in the natural zone and are managed primarily for perpetuation of natural systems. Lake McDonald is a primary area for visitor uses such as boating, fishing, and sightseeing.

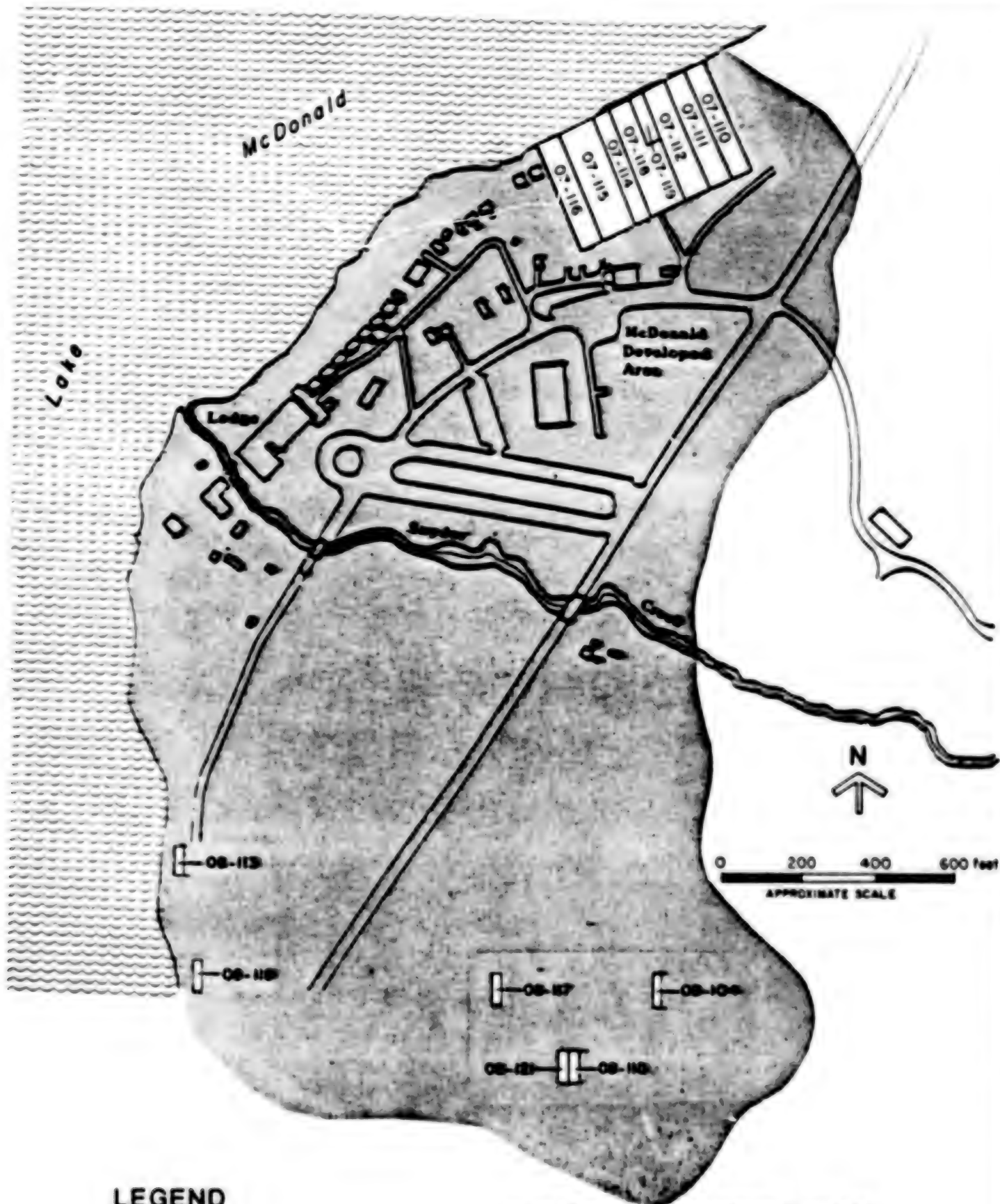
b. Recommendation.

The three tracts in this group should be acquired in fee to assure the protection of their primary park values, visual quality and wildlife habitat. As the lands are acquired, the National Park Service would remove the structures and return the area to its natural condition. This would improve the visual quality of the shoreline in this area and permit the National Park Service to manage the area for the perpetuation of natural systems. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

11. McDonald Lodge Tracts 07-110, 111, 112, 114, 115, 116, 118, 119, 08-104, 110, 113, 117, 118, and 121.

a. Description of Resources

The 3.58 acres of non-Federal land in the 14 tracts in this group are located adjacent to the Lake McDonald Lodge and developed area on the northeast shore of Lake McDonald as shown on the map. Eight of the tracts are located on the shoreline north of the developed area while the remaining six are to the south and have no shoreline. One of the shoreline tracts, 07-118, is used as a private commercial motel during the summer and the other seven shoreline tracts are used as seasonal residences. The six tracts to the south are undeveloped. The primary resource values on this group of lands are their public use potential and visual qualities as seen from the lake. Federal land in the McDonald Lodge area is classified in the Development Zone and is managed primarily for visitor



## LEGEND

- FEDERAL LAND
- NON-FEDERAL LAND
- TRACT BOUNDARY
- 02-100 TRACT NUMBER

## LAND PROTECTION PLAN McDONALD LODGE GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 80.031  
Aug 85 FIMFO

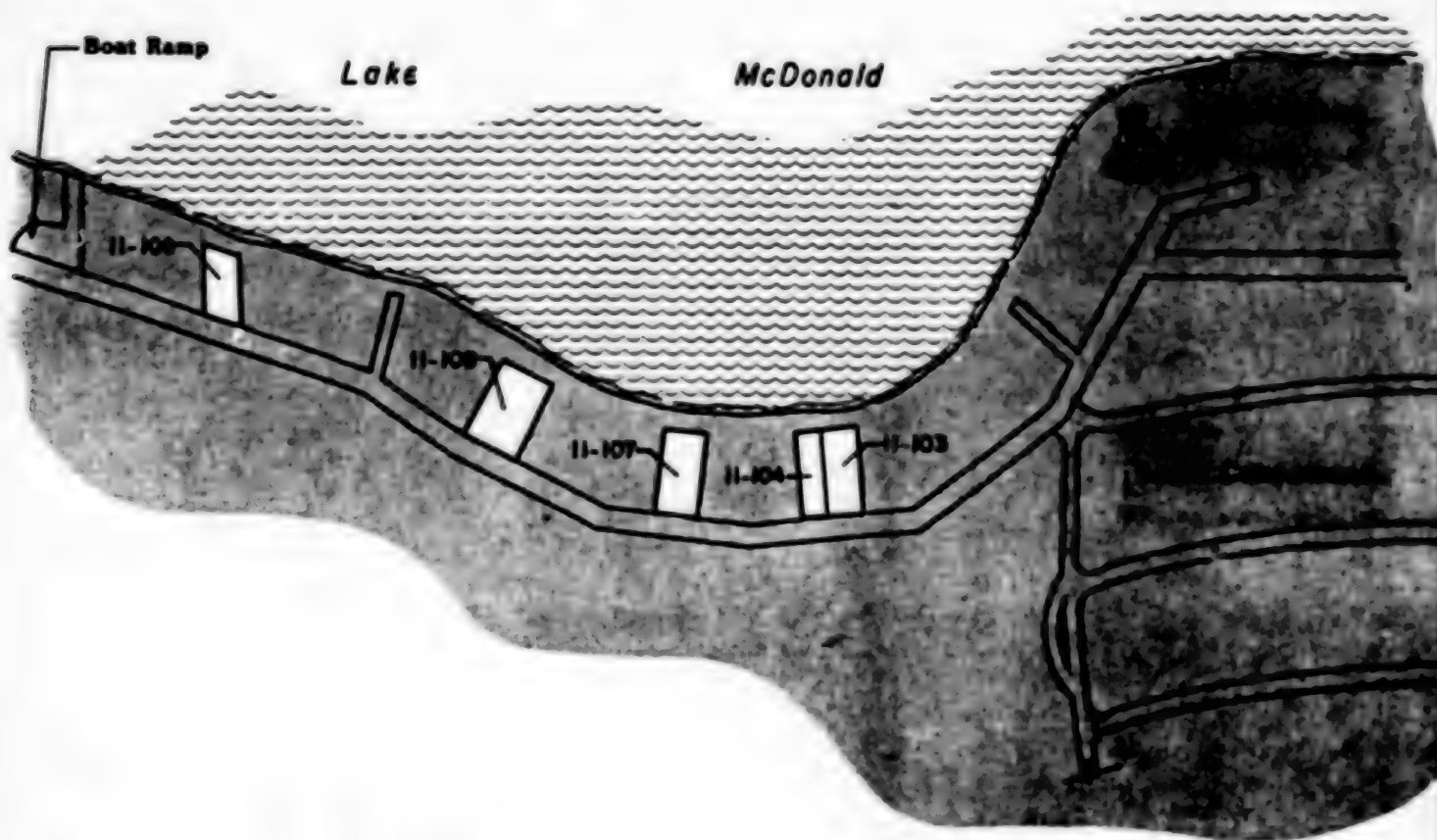
use activities and services. The McDonald developed area is a major concession service and overnight lodging area located on the Going-to-the-Sun Road. It is also a major center for day use activity in the area including tour boat rides, hiking, horseback riding and sightseeing. Current plans for the area include expansion of these activities with more emphasis on lakeshore accessibility. As a secondary value, the area also serves as a wintering ground for moose, deer, and elk. Concerns regarding water quality are the same as those identified for the Kelly Camp group. Thirteen structures located on the shoreline tracts in this group are included on the National Register of Historic Places; however, some of them are currently being modified by the private landowners to the point that they may no longer have historic significance.

b. Recommendation.

The six undeveloped tracts, 08-104, 110, 113, 117, 118 and 121, should be acquired in fee to prevent future development and private use. Such development and use would conflict with existing public use in and near the Lake McDonald developed area and would restrict National Park Service options for accommodating public use in the future. Should these tracts be developed, the area's soil, vegetation, wildlife and visual quality resources could be adversely affected.

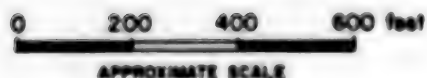
The recommendation for the commercial motel located on Tract 07-118, is no action as long as it continues to serve public needs for overnight accommodations in this area and is compatible with park resources. The National Park Service will rely on regulation of this use through its permitting process for the operation of lodging establishments and sewage disposal in the park. In this process, should an incompatible use occur or visitor needs not be served in an acceptable manner, the National Park Service would not grant a permit for continuation of the lodging operation.

The remaining seven tracts, 07-110, 111, 112, 114, 115, 116 and 119 and the residential structure located on Tract 07-118 are recommended for eventual fee acquisition due primarily to their public use and historical value. The properties are located along the shore of Lake McDonald adjacent to a major public use area where they conflict with visitor use of the lakeshore. Since many of the structures are historical, they would be preserved by the National Park Service and ultimately used as visitor accommodations. The non-historic structures would be removed to provide improved public access to the lakeshore. Removal of the non-historic structures would enhance the natural appearance of the shoreline from Lake McDonald. As an interim measure the National Park Service



# **LEGEND**

- FEDERAL LAND**
- NON-FEDERAL LAND**
- TRACT BOUNDARY**
- 02-100 TRACT NUMBER**



## **LAND PROTECTION PLAN APGAR FLATS GLACIER NATIONAL PARK**

**NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR**

117 180,032  
Aug 85 FIMRO

50 BEST COPY AVAILABLE

will work with the owners of the historic structures in this group to preserve their historic values through cooperative agreements or certificates of compatibility. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

12. Apgar Flats Tracts 11-103, 104, 107, 108, and 109.

a. Description of Resources

This group includes five tracts and 1.21 acres located along the south shore of Lake McDonald as shown on the map. All of the tracts are used for residential purposes; however, the structure located on Tract 11-107 was recently destroyed by fire. The primary resource value of this group of lands is visitor use. Located between a major visitor use area containing a 300-site; 1,500 person campground, amphitheater and picnic area and a highly scenic lakeshore which is attractive to the public. These lands form a partial barrier to public use. The visual resource is a secondary resource value since structures on the shoreline are highly visible to visitors on both the lake and the Going-to-the-Sun Road. There are potential problems with water quality similar to those described for the Kelly Camp area.

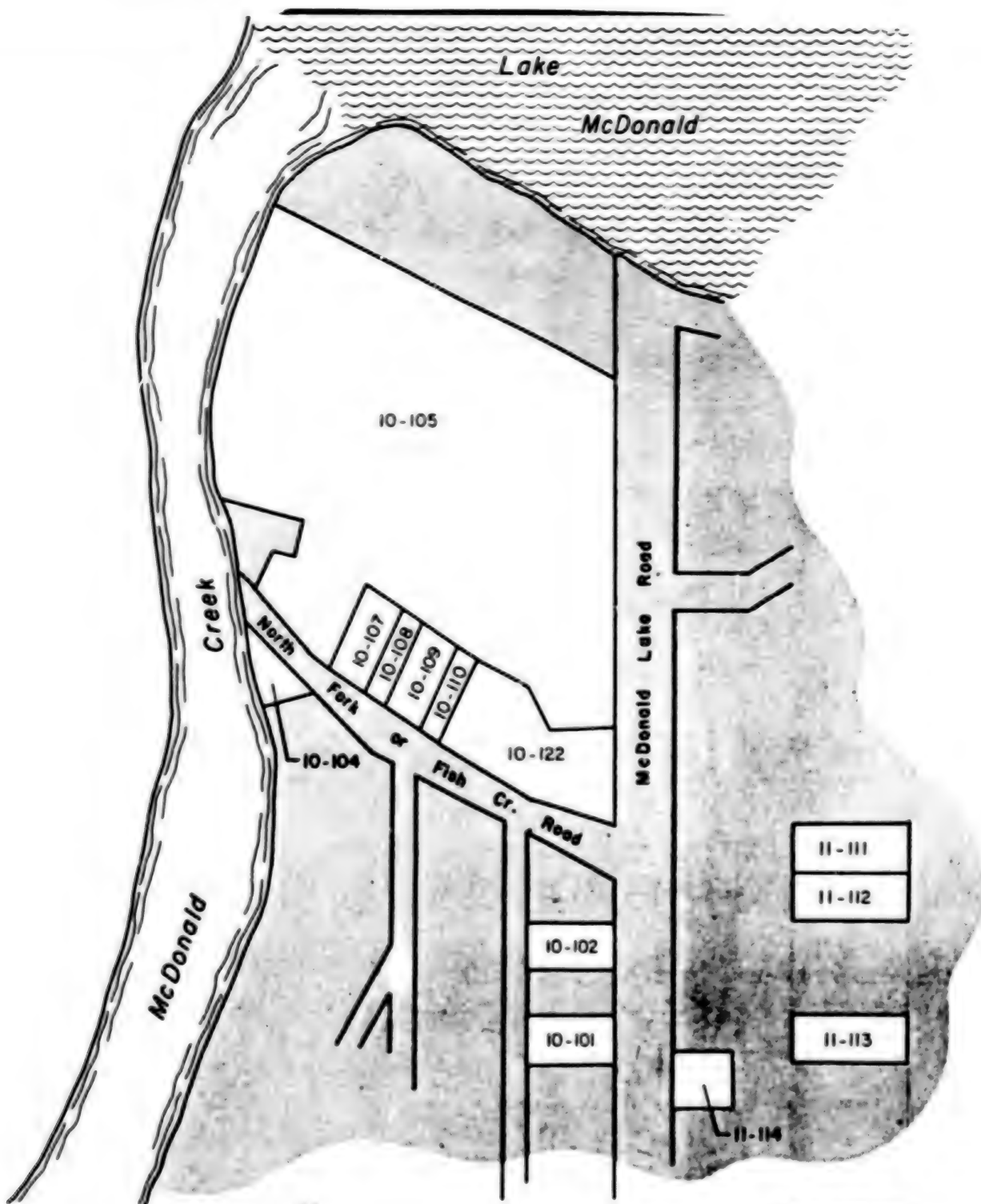
b. Recommendation.

The five tracts in this group should eventually be acquired in fee and the structures removed to eliminate conflicts with public use of the area and intrusions on the scenic view of the shoreline from the Apgar and Fish Creek developed areas and the Going-to-the-Sun Road. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

13. Apgar Village Tracts 10-101, 102, 104, 105, 107, 108, 109, 110, and 122; and 11-111, 112, 113, and 114.

a. Description of Resources

There are 13 tracts on a total of 5.44 acres included in this group located at the south end of Lake McDonald, east of Lower McDonald Creek, as shown on the map. The properties are used for a variety of seasonal, commercial and residential uses. Included in the area are businesses and National Park Service owned facilities which provide major park visitor services such as overnight lodging, restaurant, grocery, and gift sales. The National Park Service has encouraged private landowners in the Apgar



# LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER

## LAND PROTECTION PLAN APGAR VILLAGE GLACIER NATIONAL PARK

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

117 | 80,033  
Aug 85 | RMRO

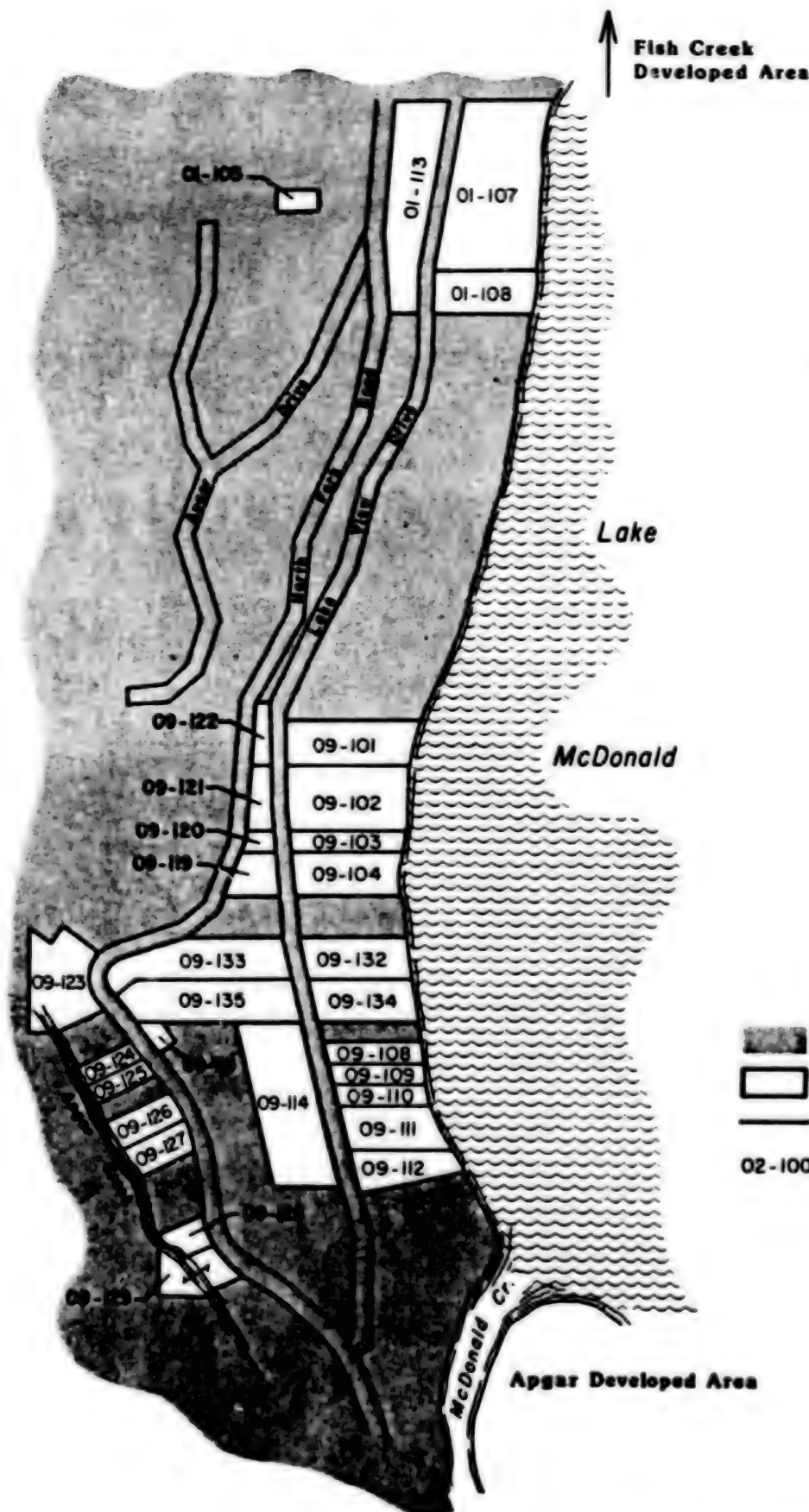
52 WEST COPY

Village area to tie into the park sewage disposal system, however, only a few have done so. The area's primary values are for visitor use and services and for wildlife habitat during the fall Bald Eagle migration. Lower McDonald Creek, which forms the western edge of this group of tracts, is a major feeding area for Bald Eagles, an endangered species. The creek hosts the most significant concentration of eagles in the lower 48 states during their annual fall migration which coincides with a major salmon run in the creek. During this period, over 1,000 eagles use the Lower McDonald Creek to feed on salmon and it is critical that the feeding and perching birds not be disturbed by human activity. One structure in the group, the Apgar schoolhouse on Tract 11-114, has been determined eligible for nomination to the National Register of Historical Places. Federal lands surrounding the Apgar Village group are classified in the Development Zone and are used to provide a variety of visitor services such as campgrounds, amphitheater, boat launching, visitor contact and trails. The major visitor use in this area occurs during the summer season with closure of most facilities during the winter or during critical wildlife use periods. As visitation increases or visitor use needs change in the future, there may be a need to expand visitor facilities in the Apgar area.

b. Recommendation.

The three commercial tracts, 10-102, 105 and 122, are recommended for no action as long as they continue to adequately serve visitor needs for services in this area. The National Park Service will rely on regulation of these uses through its permitting processes for food service and sewage disposal and through the provision of support facilities such as parking and signs.

The National Park Service should acquire fee interest in the vacant tracts in this group to prevent future development and private use. Such development and use would be incompatible with long-term National Park Service goals to make this area available for public use and would restrict future options of the National Park Service to provide facilities necessary for visitor use and to manage the area. The use of easements to restrict future use was considered, but is not recommended for the same reasons as in Group 4 above. The developed residential tracts in this group should also eventually be acquired in fee and the structures removed by the National Park Service to avoid conflicts with public use of the area. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources. The reduction of private residential use in the area would benefit the threatened Bald Eagle which uses the Apgar area during the annual fall migration.



## LEGEND

-  FEDERAL LAND
-  NON-FEDERAL LAND
-  TRACT BOUNDARY
- 02-100 TRACT NUMBER

# LAND PROTECTION PLAN APGAR COTTAGE SITES GLACIER NATIONAL PARK

117 | 80,034  
Aug 85 | FMRO

NATIONAL PARK SERVICE - U.S. DEPT. OF THE INTERIOR

54 - BEST COPY AVAILABLE

Tract 11-114, which contains the historic Apgar Schoolhouse is recommended for ultimate fee acquisition. This action would allow the National Park Service to preserve the historic values of the property and adaptively use it for an appropriate visitor use.

14. Apgar Cottage Sites Tracts 01-103, 107, 108, and 113; and 09-101, 102, 103, 104, 108, 109, 110, 111, 112, 114, 116, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 132, 133, 134, and 135.

a. Description of Resources

The 30 tracts in this group are located on the south shore of Lake McDonald, west of McDonald Creek as shown on the map. There are 15.87 acres included in these tracts. Twenty-two of the tracts are developed and used as seasonal residences; the remaining eight are vacant. The Sherwood House, Bull's Head Lodge and Charles Russell Studio, located on Tracts 09-101 and 102, are historically significant and have been determined eligible for nomination to the National Register of Historic Places. The area is a wintering ground for deer and elk and is located adjacent to primary feeding and overnight perching areas for Bald Eagles. These lands also form a visual backdrop to the views from the Apgar campground, amphitheater, picnic area, Going-to-the-Sun road, and lakeshore to the east. Some structures are visually prominent from the lake and Going-to-the-Sun road causing adverse impacts to the areas scenic value. Concerns for water quality are the same as those identified for the Kelly Camp groups. Federal lands surrounding this group are classified in the Development Zone and are managed primarily for their visitor use values. The Fish Creek and Apgar developed areas are located adjacent to this group of private lands. These areas are heavily used by park visitors especially during the summer season.

b. Recommendation.

The eight undeveloped tracts in this group should be acquired in fee to prevent future development. Such development would be highly visible from heavily-used public use areas on Lake McDonald, the Going-to-the-Sun Road and the adjacent Apgar and Fish Creek developed areas and would reduce visual quality from these viewpoints. Development on these tracts would also cause adverse impacts to the area's soil, vegetation, and wildlife resources.

Tracts 09-101 and 102, which contain the three historic structures, are recommended for protection by historic preservation easements to assure preservation of their

historic values. Acquisition of fee interests were considered but are not recommended since the lesser easement interest would preserve the historic value, cost less, and allow the continuation of private use.

The remaining tracts in this group are recommended for eventual fee acquisition so that the structures may be removed to avoid the scenic intrusions and enhance other natural resource values of the area. The National Park Service will not initiate any action to acquire private lands unless the landowner offers to sell or changes the use of the land in a way that damages park resources.

## V. RECOMMENDATIONS AND PRIORITIES

### A. Recommendations

Landowners in the park are for the most part excellent stewards of their land and are anxious to maintain the quality of the park environment. Therefore, the National Park Service approach to reach the stated long-term land protection objective in this plan will be to purchase the defined interest in land only if an owner expresses an interest in selling. Purchase will then be accomplished if the selling price can be agreed upon mutually and if acquisition funds are available. This approach has traditionally been called a "willing seller-willing buyer" policy. The gradual shift in ownership proposed will afford those with strong attachments to the park an opportunity to remain living in the park as long as they wish. The only exception to this approach would be a situation in which the property owner took a deliberate action that would have a serious adverse impact on the environmental quality of the park or make much more difficult or expensive the accomplishment of long term park objectives. Under these unusual conditions, the park would make every effort necessary to prevent the adverse action. This could involve immediate acquisition. The history of responsible land use in the park suggests that this option would very rarely be exercised. However, to avoid misunderstanding, landowners must obtain written consent from the park Superintendent before making a change to the external appearance of any structure on their property or undertaking a change in the use of any property either developed or undeveloped.

1. Undeveloped Land will be acquired in fee to prevent such activities as timber cutting, subdivision, or construction that would adversely impact scenic values, wildlife habitat, and opportunities for public use.
2. Developed Residential Land. Tracts containing historic structures considered to be significant to the mission of the park and not needed for visitor services or access will be protected by easements. These easements will allow for occupancy and use by the owner while assuring that the structure is not substantially modified in a way

that harms its historic value. Historic structures that are not significant and present access problems or are unreasonably difficult and expensive to maintain will be acquired in fee, recorded, salvaged where possible, and removed from sensitive areas for wildlife habitat or visitor use.

Other developed tracts used for seasonal residences also will be acquired in fee so that the structures can be removed and the land restored to natural conditions. Landowners may wish to enter into a formal cooperative agreement called a "Certificate of Compatibility" defining acceptable interim uses and practices. This would give landowners assurance that as long as they operate within the parameters defined in the certificate, the Service would not take any actions to acquire their property.

3. Commercial Properties providing visitor services for food, lodging, and gifts are adequately protected in current ownership. The National Park Service will exercise its regulatory authorities through the permitting process and enter into agreements with these owners as necessary to address the issues of type and level of services, parking, operations, signs and visual impacts. Donations of easements restricting further development of commercial properties would be accepted, but no interest in these tracts will be purchased unless conditions change substantially and this plan has been revised.
4. Use and Occupancy/Life Estates. The National Park Service will grant use and occupancy rights and life estates upon acquisition, providing such use does not conflict with interim resource protection or visitor use access requirements.
5. Coordination with Landowners. The National Park Service will continue the process of coordination and cooperation with the private landowners in the park with the long-range objective of achieving a high degree of self regulation of private land use in the park. This will include active communication with landowners and providing design review and technical assistance in the areas of construction, vegetation manipulation, and wildlife management.
6. Sewage Disposal. The National Park Service will work with the private landowners to bring those sewage disposal systems that do not presently meet state/local standards up to acceptable standards and will assure that standards are maintained through an annual utility right-of-way permit process. Efforts to accomplish this have been on-going for several years but needs to be accelerated. Some of the landowners in the Apgar area have tied into the park's Headquarters/Lake McDonald system and

cooperative efforts are on-going with the Lake McDonald Lodge area landowners to develop a suitable alternative for that complex.

The park initiated a water quality monitoring program during 1984 to document baseline water quality conditions so that conditions can be monitored through time-series measurements. Previous monitoring efforts were limited to damage assessment from external land use activities. There has not been an operational program to document internal impacts on water quality from visitor use facility development or from private dwellings, or to detect degradation of water quality from deposition of airborne pollutants or pesticides. Under the new water quality monitoring program initiated this past summer, eight high elevation pristine lakes and five developed lakes (including Lake McDonald) will be sampled annually in the spring, summer and fall. Included will be dissolved nutrients, metals, pesticides, and bacterial analyses, plankton and aquatic invertebrates identification, and field measurements including dissolved gases, pH, conductivity, and alkalinity. This monitoring program should allow the park to describe the hydrochemical, biological, and physical parameters needed to set standards and to develop effluent criteria for a possible discharge permit system for non-point discharges.

#### B. Priorities

In all areas where interests in land are to be acquired, regardless of priority, the approach will be to acquire on an opportunity basis. This is the same as a willing seller/willing buyer basis, and affords all property owners the opportunity to retain their property in a status quo basis. Since most acquisition will be on a willing seller/willing buyer basis, the following priorities are not rigid. However, whenever there are more landowners wishing to sell than available funds can accommodate, this priority listing will generally be followed. The priorities were determined on the basis of their relative importance in protecting the park's resource values.

1. First Priority. Primary emphasis was given to the protection of lands having unique natural resources important to the perpetuation of natural systems in the park. The McFarland property critical bald eagle roosting habitat and the Big Prairie movement corridor for grizzly bear are examples of resource considerations which would cause these areas to receive high priority.
2. Second Priority. Emphasis in this priority of land protection was placed on visitor use values. The private lands at Apgar Flats and McDonald Lodge are located adjacent to National Park Service developed areas and have high value for public use and may limit visitor activities on adjacent Federal land.

3. Third Priority. In this priority emphasis was given to protecting the natural resource values of these lands.
4. Fourth Priority. The Apgar Village group was given the lowest priority for action by the National Park Service. It recognizes the need for commercial services to serve heavy visitor use in the Apgar Village area.

#### PLANNING TEAM:

Robert C. Haraden, Superintendent  
Alan O'Neill, Assistant Superintendent  
Robert Dunkley, Park Planner

#### COMPLIANCE DOCUMENTATION:

The actions proposed in this plan have no potential either individually or cumulatively for causing significant environmental impact. The plan is thus categorically excluded from compliance with the National Environmental Policy Act.

#### APPENDICES

- A. Bibliography
- B. Legislation
- C. Sample Easement
- D. List of Non-Federal Lands (Numerically, by Tract Number)
- E. Photographs
- F. Summary of Public Involvement and Resources to Alternatives Questionnaire
- G. Methods of Acquisition
- H. Correspondence

A. BIBLIOGRAPHY

Jonkel, C.

Guide to Grizzly Critical Sites, draft, July 1983

Singer, F. V.

Seasonal Concentrations of Grizzly Bears, North Fork of the Flathead River, Montana, 1978

U. S. Department of Agriculture, Flathead National Forest:

Flathead Wild and Scenic River Management Plan, August 1980

Proposed Forest Plan, Flathead National Forest, 1983

U. S. Department of Interior, Environmental Protection Agency:

Riparian Habitat Study, North Fork and Mainstream, Flathead River, Montana

Flathead River Basin Environmental Impact Study, Final Report, June 1983

U. S. Department of Interior, National Park Service, Glacier National Park:

Wilderness Recommendation, March 1974

Final Master Plan, May 1977

Historic Resources Study/Survey, August 1980

Land Acquisition Plan, September 1980

Statement for Management

Resources Management Plan

WEST COPY AVAILABLE

An Act to establish "The Glacier National Park" in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes, approved May 11, 1910 (36 Stat. 354)

Glacier National Park, Mont. Lands set aside as reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right of way of the Great Northern Railroad; thence following the said right of way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of "The Glacier National Park;" and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided further*, That rights of way through the valleys of the North and Middle forks of the Flathead River for steam or electric railways may be acquired within said Glacier National Park under filings or proceedings heretofore or hereafter made or instituted under the laws applicable to the acquisition of such rights over or upon the unappropriated public domain of the United States, and that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Govern-

Removal of trespassers. Previous valid rights not affected. Rights of way for railways. (Repealed by 44 Stat. 1045, Dec. 8, 1921.)

ment reclamation project: *And provided further*, That no lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation now having or claiming the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park. (U.S.C., title 16, sec. 161.)

No indemnity selection where other corporations.

Sec. 2. That said park shall be under the executive control of the Secretary of the Interior, whose duty it

Regulations for protection, etc.

shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this act, and for the care and protection of the fish and game within the boundaries thereof. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park. (U.S.C., title 16, sec. 162.)

Leases for hotels, etc. (This act as far as it relates to use of Glacier National Park land for summer homes and cottages repealed by 44 Stat. 1045, Dec. 8, 1921, p. 151.)

Removal of dead, etc., timber.

### C.1. SAMPLE CONSERVATION EASEMENT

THE RESTRICTIONS HEREBY IMPOSED ON THE LAND, THE ACTS WHICH THE GRANTOR PROMISES TO DO OR REFRAIN FROM DOING UPON THE LAND AND THE RIGHTS IN AND TO THE LAND GRANTED TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS BY THE GRANTOR ARE AS FOLLOWS:

- (1) Unless otherwise stated herein, this easement shall not affect, without the grantor's consent, continuance of the existing use of the property as exercised prior to the acquisition of this easement.
- (2) This easement shall not be construed as granting the public any right to enter or use the land for any purpose.
- (3) Travel trailers, motor homes or mobile homes may not be permanently placed on or affixed to the land or used for temporary or permanent occupancy. Storage only of the owner's personal travel trailer, motor home or recreational vehicles and equipment will be permitted only in areas already developed with a residence and only with the prior written permission of the National Park Service.
- (4) No subdivision of the land or additional construction of dwellings or structures will be permitted on the land except construction of accessory buildings and facilities necessary to the use of existing structures will be allowed if approved in advance in writing by the National Park Service.
- (5) The grantor shall have the right to (A) perform all regular and ordinary maintenance to all existing structures, buildings, grounds and access roads; (B) replace, for any reason, any existing structure with another of the same size and in the same location; and (C) to repair, or rebuild to no greater than former size, any existing buildings or structures which are damaged by fire, storm or other casualty.
- (6) The land shall not be used for any mining, quarrying, sand and gravel removal, industrial or commercial activity whatsoever, nor shall the grantor make or permit any change in the character, use of topography of the land which would alter the scenic character of the property, affect the scenic enjoyment of the property by the general public or cause permanent destruction of any significant conservation interest in the land (whether or not such interest is specifically mentioned in this easement), unless such change is previously approved in writing by the National Park Service.
- (7) No accumulation or dumping of trash or unsightly materials shall be permitted on the land and no signs, billboards or advertisements shall be displayed or placed upon the land, except

that one sign, not greater than 24 inches by 30 inches in size, advertising the sale or lease of the land, may be displayed on appropriate occasions.

- (8) Selective cutting, trimming, destroying or removal of trees, grasses, brush, or shrubbery shall be permitted on the land, in accordance with sound environmental principles, if such action is (A) necessary for the maintenance of existing routes of ingress and egress to or from the lands; (B) necessary to the maintenance of the existing yard area of a residence; (C) necessary for the protection and safety of existing dwellings and accessory buildings; (D) necessary for the safety and well-being of authorized persons using or occupying the land. All additional activities of this type shall require the prior written approval of the National Park Service.
- (9) Gardens and other cultivated areas surrounding buildings and other structures and facilities may be maintained in a manner in keeping with their existing use; provided, however, that no pesticides shall be used, or other practices followed, which would significantly injure or destroy the relatively natural ecosystem now existing.
- (10) The National Park Service, its agents, employees and assigns, shall have the right, upon reasonable notice, to enter upon and cross the land only to determine compliance with the terms of this easement. Reasonable verbal or written notice of intent to enter said lands shall be given by the National Park Service to the grantor and existing roads or other normally travelled routes shall be utilized wherever practicable except in instances of fire, police action, rescue action or other circumstances of an emergency or similar nature.
- (11) The land shall not be used for public utility purposes other than as necessary in connection with a permitted use of this land as provided for herein.
- (12) The National Park Service may take any legal action necessary to have removed from the land any unauthorized signs, personal property, or structures, or to require compliance with any of the terms of the easement. Written notice of intent to take such action or require such compliance shall be sent to the grantor ten (10) days in advance by the National Park Service. Removal of items or required compliance with the terms of this easement under such notice shall be at the expense of the grantor unless such action is taken as a benefit to the general public, in which case such action shall be at the expense of the National Park Service, subject to the availability of funds regularly appropriated for such purposes.
- (13) The National Park Service agrees to furnish written determinations within a reasonable period of time whenever the grantor submits a written request for approval of some action proposed to be taken under the terms of this easement.

- (14) The grantor agrees that any future transfer, sale, leasing or conveyance of any interest in the land or any agreement for use of the land, whether verbal or written, shall include a reference indicating that the transaction is subject to the terms of this easement.
- (15) The terms and conditions of this easement shall run with the land, and bind the grantor and the United States of America, and assigns, in perpetuity.

## C.2. SAMPLE HISTORIC PRESERVATION EASEMENT

THE PURPOSE OF THESE RESTRICTIONS IS TO PERPETUATE AND PRESERVE THE ARCHITECTURALLY SIGNIFICANT FACADE AND SURROUNDING GROUNDS OF \_\_\_\_\_ . RESTRICTIONS HEREBY IMPOSED UPON THE USE OF THE DESCRIBED LAND AND THE ACTS WHICH SAID GRANTORS SO COVENANT TO DO AND TO REFRAIN FROM DOING UPON SAID LAND ARE SET FORTH AS FOLLOWS:

- (1) The lands shall be used exclusively for residential purposes, including outbuildings incidental thereto.
- (2) Interior design and layout may be changed, improved, or reconstructed to accommodate the above permitted uses by the owner only if approved by the Superintendent. Preservation and/or restoration of original interior features is strongly encouraged.
- (3) Routine and necessary maintenance may be performed to perpetuate, in good condition, the existing exterior appearance of the building provided that no significant change in any original architectural features is made without written permission of the Superintendent. New materials may be used to replace in-kind any deteriorated, exterior structural features. Restoration of the historic, exterior appearance, including paint scheme, is encouraged after required consultation with the Superintendent.
- (4) If the dwelling is destroyed or rendered uninhabitable by fire or any other reason, the National Park Service retains the option to purchase all remaining right, title, and interest in these lands in the event the owner does not wish to reconstruct the exterior of \_\_\_\_\_ to its previous condition.
- (5) If the dwelling is destroyed or rendered uninhabitable and the owner wishes to reconstruct the exterior to its previous condition in the same location, all construction drawings must be approved by the Superintendent before any work begins. During the clean up and construction period, not to exceed one year, a trailer or other temporary dwelling may be placed upon the land for residential purposes.
- (6) The land shall be maintained in its present acreage and not be split or subdivided into smaller parcels.
- (7) No new, major structures or outbuildings may be constructed or installed.
- (8) There shall be no rights-of-way for access or for any other purpose constructed, maintained, or developed into, on, over, under, and across these lands except as used in connection with permitted uses by the owner.
- (9) No major public utilities installations or facilities shall be placed on the land, except the construction and maintenance of facilities usual to residential property.

- (10) The lands shall at all times be kept in a neat and orderly condition, and no garbage, trash, inoperative motor vehicles, sewage, and other unsightly, offensive, or noxious material shall be allowed to accumulate thereon.
- (11) No sign, billboard or advertisement shall be displayed or placed upon the land, except for signs not larger than one square foot indicating residence or notice of private or restricted access. No signs shall be self-illuminated.
- (12) No mineral or oil and gas or similar development shall be allowed on the land, and no topsoil, sod, gravel or other resources thereof shall be removed for sale or use off the premises.
- (13) The general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made without prior approval of the Superintendent.
- (14) The Superintendent or his authorized representative shall be permitted at reasonable times and upon prior appointment with the landowner to enter upon said lands in order to ascertain compliance with the restrictions and covenants of this instrument.
- (15) The National Park Service agrees to furnish written determinations within a reasonable period of time whenever the grantor submits a written request for approval of some action proposed to be taken under the terms of this easement.
- (16) The grantor agrees that any future transfer, sale, leasing or conveyance of any interest in the land or any agreement for use of the land, whether verbal or written, shall include a reference indicating that the transaction is subject to the terms of this easement.
- (17) The terms and conditions of this easement shall run with the land, and bind the grantor and the United States of America, and assigns, in perpetuity.

\* \* \* \* \*

In addition, a park file would be established with such photographs, measurements and descriptions of the property that the historic appearance could be ascertained at any time.

D. LIST OF NON-FEDERAL LANDS

| <u>Tract #</u> | <u>Acreage</u> | <u>Inholder</u> | <u>Recommendation</u> |
|----------------|----------------|-----------------|-----------------------|
| 01-103         | .12            | Bennet          | Fee                   |
| 01-107         | 1.92           | Sherwood        | Fee                   |
| 01-108         | .52            | Athearn         | Fee                   |
| 01-113         | 1.11           | Sherwood        | Fee                   |
| 02-102         | .57            | Kellenbeck      | Fee                   |
| 02-105         | .72            | Kellenbeck      | Fee                   |
| 02-109         | .37            | Davis           | Fee                   |
| 02-110         | .54            | Hatalsan        | Fee                   |
| 02-112         | .34            | Theefs          | Fee                   |
| 02-115         | .15            | Rose            | Fee                   |
| 02-117         | .75            | Miller et.al.   | Fee                   |
| 02-123         | .28            | Nelson          | Fee                   |
| 02-124         | .37            | Medlicott       | Fee                   |
| 02-126         | .19            | Rose            | Fee                   |
| 03-101         | .11            | Janz            | Fee                   |
| 03-102         | .23            | Pennovich       | Fee                   |
| 03-103         | .11            | McCrea          | Fee                   |
| 03-104         | .11            | Borland         | Fee                   |
| 03-109         | .23            | Walsh           | Fee                   |
| 03-111         | .23            | Walsh           | Fee                   |
| 03-112         | .11            | Walsh           | Fee                   |
| 03-117         | .11            | Kienas          | Fee                   |
| 03-118         | .23            | Snyder          | Fee                   |
| 03-119         | .34            | Kramer          | Fee                   |
| 03-120         | .11            | Arend           | Fee                   |

| <u>Tract #</u> | <u>Acreage</u> | <u>Inholder</u> | <u>Recommendation</u> |
|----------------|----------------|-----------------|-----------------------|
| 03-121         | .11            | Rementh         | Fee                   |
| 03-128         | .11            | DeWitt          | Fee                   |
| 03-129         | 2.75           | McFarland       | Fee                   |
| 03-130         | .92            | Gerald          | Fee                   |
| 03-131         | .46            | Qusick          | Fee                   |
| 03-132         | .72            | McGarvey et ux  | Fee                   |
| 03-133         | 80.00          | Burich et.al.   | Fee                   |
| 04-102         | 38.80          | Moy et.al.      | Fee                   |
| 04-103         | 29.33          | Moy et.al.      | Fee                   |
| 05-106         | 1.24           | Tschache        | Fee                   |
| 05-110         | 17.06          | Opalka          | Fee                   |
| 05-117         | 35.07          | Peters          | Fee                   |
| 06-101         | 6.23           | Clack           | Fee                   |
| 06-102         | 3.53           | Hoag            | Fee                   |
| 06-103         | .86            | Gudger et.al.   | Easement              |
| 06-104         | .17            | Parks et.al.    | Fee                   |
| 06-105         | 2.82           | Hoag            | Fee                   |
| 06-106         | 1.89           | Hong            | Fee                   |
| 06-109         | .85            | McCollister     | Fee                   |
| 06-113         | .17            | Fox             | Fee                   |
| 07-110         | .34            | Myhre           | Fee                   |
| 07-111         | .35            | Dolliver et.al. | Fee                   |
| 07-112         | .48            | Brewer          | Fee                   |
| 07-114         | .34            | Johnson         | Fee                   |
| 07-115         | .69            | Galvin          | Fee                   |
| 07-116         | .45            | Broadwater      | Fee                   |

| <u>Tract #</u> | <u>Acreage</u> | <u>Inholder</u> | <u>Recommendation</u> |
|----------------|----------------|-----------------|-----------------------|
| 07-118         | .56            | Hummel          | No Action/Regulation  |
| 07-119         | .13            | Ford et.al.     | Fee                   |
| 07-126         | 1.22           | Speyer et ux    | Fee                   |
| 07-127         | .60            | Macomber        | Fee                   |
| 08-104         | .04            | McCormick       | Fee                   |
| 08-110         | .04            | Harrington      | Fee                   |
| 08-113         | .04            | Johnson, J.     | Fee                   |
| 08-117         | .04            | Black           | Fee                   |
| 08-118         | .04            | Childs          | Fee                   |
| 08-121         | .04            | O'Neil          | Fee                   |
| 09-101         | .66            | Lundgren        | Easement              |
| 09-102         | .94            | Lundgren        | Easement              |
| 09-103         | .30            | Rice            | Fee                   |
| 09-104         | .55            | Alderson Estate | Fee                   |
| 09-108         | .25            | Carruthers      | Fee                   |
| 09-109         | .25            | Gruber Estate   | Fee                   |
| 09-110         | .25            | Ryan            | Fee                   |
| 09-111         | .56            | Gruber Estate   | Fee                   |
| 09-112         | .44            | Ryan            | Fee                   |
| 09-114         | 1.68           | Gruber Estate   | Fee                   |
| 09-116         | .09            | Burgess         | Fee                   |
| 09-119         | .24            | Alderson Estate | Fee                   |
| 09-120         | .10            | Rice            | Fee                   |
| 09-121         | .30            | Lundgren        | Fee                   |
| 09-122         | .20            | Lundgren        | Fee                   |
| 09-123         | .81            | Grist           | Fee                   |

| <u>Tract #</u> | <u>Acreage</u> | <u>Inholder</u> | <u>Recommendation</u> |
|----------------|----------------|-----------------|-----------------------|
| 09-124         | .17            | Woods           | Fee                   |
| 09-125         | .18            | Schafer         | Fee                   |
| 09-126         | .31            | Gustafson       | Fee                   |
| 09-127         | .29            | Jackson         | Fee                   |
| 09-128         | .18            | Langel          | Fee                   |
| 09-129         | .56            | Riecke          | Fee                   |
| 09-132         | .60            | Evenson         | Fee                   |
| 09-133         | .73            | Evenson         | Fee                   |
| 09-134         | .52            | Johnson         | Fee                   |
| 09-135         | 1.04           | Johnson         | Fee                   |
| 10-101         | .12            | Krall           | Fee                   |
| 10-102         | .12            | Jungster        | No Action/Regulation  |
| 10-104         | .07            | Holum           | Fee                   |
| 10-105         | 3.74           | Lundgren        | No Action/Regulation  |
| 10-107         | .12            | Schuler         | Fee                   |
| 10-108         | .06            | Schuler         | Fee                   |
| 10-109         | .12            | Harris          | Fee                   |
| 10-110         | .06            | Holum           | Fee                   |
| 10-122         | .42            | Larson          | No Action/Regulation  |
| 11-103         | .24            | Wilder          | Fee                   |
| 11-104         | .17            | Wilcox          | Fee                   |
| 11-107         | .25            | Bottomly        | Fee                   |
| 11-108         | .34            | Schoknecht      | Fee                   |
| 11-109         | .21            | Salansky        | Fee                   |

| <u>Tract #</u> | <u>Acreage</u> | <u>Inholder</u>  | <u>Recommendation</u> |
|----------------|----------------|------------------|-----------------------|
| 11-111         | .17            | O'Neil           | Fee                   |
| 11-112         | .17            | Harrington       | Fee                   |
| 11-113         | .17            | Harrington       | Fee                   |
| 11-114         | .10            | Krall            | Easement              |
| 12-109         | 30.69          | American Timber  | Exchange              |
| 12-101         | 142.49         | McFarland et.al. | Fee                   |
| 13-101         | 120.00         | Murphy           | Fee                   |
| 14-111         | 10.00          | Baker et.al.     | Fee                   |
| 15-105         | .23            | Svoboda          | Fee                   |
| 15-117         | .23            | Lunden           | Fee                   |
| 15-118         | .23            | Osborne          | Fee                   |
| 15-122         | .11            | Williams         | Fee                   |
| 15-132         | .11            | Wright           | Fee                   |
| 15-134         | .11            | Caudle           | Fee                   |
| 15-153         | .23            | Roberts          | Fee                   |
| 15-154         | .11            | Widdess          | Fee                   |
| 15-156         | .11            | Lund             | Fee                   |
| 15-162         | .23            | Hatfield         | Fee                   |
| 15-170         | .11            | Wilson           | Fee                   |
| 15-171         | .11            | McWhirter        | Fee                   |
| 15-173         | .11            | Svoboda          | Fee                   |
| 15-179         | .23            | Blockhus         | Fee                   |
| 15-180         | .23            | Gullickson       | Fee                   |
| 15-182         | .23            | Gibson           | Fee                   |
| 15-184         | .11            | Olson            | Fee                   |
| 15-190         | .11            | Ashton           | Fee                   |

| <u>Tract #</u> | <u>Acresage</u> | <u>Inholder</u> | <u>Recommendation</u> |
|----------------|-----------------|-----------------|-----------------------|
| 15-194         | .45             | Hart            | Fee                   |
| 15-196         | .23             | Svoboda         | Fee                   |
| 15-197         | .23             | Svoboda         | Fee                   |
| 15-199         | .11             | Robertson       | Fee                   |
| 15-200         | .12             | Robertson       | Fee                   |
| 16-103         | .23             | Gary            | Fee                   |
| 16-106         | .11             | Butterworth     | Fee                   |
| 16-113         | .45             | Kramer et.al.   | Fee                   |
| 16-117         | .23             | Guinard         | Fee                   |
| 16-118         | .23             | Craig           | Fee                   |
| 16-119         | .11             | Bell            | Fee                   |
| 16-122         | .23             | Rinck           | Fee                   |
| 16-129         | .34             | Guinard         | Fee                   |
| 16-135         | .23             | Rodeghiero      | Fee                   |
| 16-147         | .11             | Street          | Fee                   |
| 16-158         | .11             | Anchor          | Fee                   |
| 16-161         | .23             | Hoffman         | Fee                   |
| 16-162         | .23             | Parrish         | Fee                   |
| 16-175         | .23             | Montgomery      | Fee                   |
| 16-179         | .23             | Minium          | Fee                   |
| 16-191         | .23             | Keune et ux     | Fee                   |
| 16-197         | .34             | Svoboda         | Fee                   |
| 17-101         | 130.00          | Heylman et.al.  | Fee                   |

F. Summary of Public Involvement

During April and May of 1983 the National Park Service distributed a Planning Alternatives Questionnaire to the general public and private landowners in the park. This effort to involve the public was made prior to the preparation of a draft plan to gain input on problems and potential solutions which might have been overlooked from the National Park Service point of view. Of the 240 respondents to that questionnaire, 29 were private landowners in the park, 9 indicated that they represented an organized group, and 1 response was made by a government Agency. The remainder were private individuals.

Total responses to each item of the questionnaire are shown in the sample attached to this Appendix. They indicate a strong feeling by the general public that all private land in the park should be acquired on a willing-seller basis, that new construction or new commercial development should not be allowed and that the National Park Service should participate in regional planning to protect resources. Other comments expressed by respondents which were not specific items on the questionnaire included the need to develop specific property use guidelines, use of an advisory design commission to approve construction, review of the National Park Service's appraisal system, the need for access to private properties, and the feeling that private land in the park adds a desirable element of diversity to the park experience.

F. (continued)

A draft of this plan was made available to the public for comment for a two and one-half month review period ending June 28, 1985. During this review period 75 written responses were received by the National Park Service. Twenty of these responses were from park landowners and four from organized groups. Twenty-six of the responses addressed comments on the Land Protection Plan along with other concerns identified by a local environmental group in their monthly newsletter to members. Most of the respondents were from Montana.

Protection of park resources was a strong theme in almost all of the responses from the public. Forty-nine of the respondents indicated that protection of resources should get first priority and that the National Park Service should not permit further private development in the park. Twenty-seven respondents expressed some degree of dissatisfaction with the plan on the grounds that it does not adequately protect landowner rights as guaranteed in the park's establishing legislation. The following list summarizes the public comments on the draft plan and the National Park Service's response in this final plan.

| <u>COMMENT &amp; RESPONSE</u>                                                                                                                                                                                                                                                                                    | <u>NUMBER OF RESPONDENTS</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1. <u>New commercial development should not be allowed in the park.</u> The National Park Service concurs in this as is reflected in the provisions of the plan.                                                                                                                                                 | 24                           |
| 2. <u>Park resources should be protected at all costs.</u><br>Response same as 1 above.                                                                                                                                                                                                                          | 13                           |
| 3. <u>Further private development should be restricted in the park.</u> The National Park Service agrees that development should be restricted; however, the plan recognizes and provides for such items as replacement, maintenance and development that has an overall benefit to park values.                 | 8                            |
| 4. <u>Park wildlife species such as grizzly bear and eagles should be protected.</u> Response same as in 1 above.                                                                                                                                                                                                | 3                            |
| 5. <u>Private uses should not be allowed in the park</u><br>The National Park Service recognizes private landowner rights guaranteed in the enabling legislation for the park.                                                                                                                                   | 1                            |
| 6. <u>The willing-seller aspect of the plan is critical and should be retained as a long-term park management policy.</u> The National Park Service agrees with this and the plan contains numerous references to this policy.                                                                                   | 15                           |
| 7. <u>The National Park Service is exceeding its authority in regulating use of private lands as provided for in the park's enabling legislation.</u> The National Park Service disagrees with this and sees a strong need to assure compatible land use in the park to protect resource and visitor use values. | 7                            |

8. The plan does not meet the agency policy requirements of striving for more cost-effective alternatives to fee acquisition. The plan does consider alternatives as shown on pages 20-25 and several alternative methods have been selected. However, because of Glacier National Park's purpose and significance as a natural ecosystem area, ultimate fee acquisition was selected in most cases.

2

9. The plan should not be scheduled for review and possible revision every two years as this could be a cause for arbitrary changes in policy. Agency guidelines require review of the plan every two years and revision as needed to reflect changes in conditions. The National Park Service does not see this as a mandate to change the plan every two years, and will only revise it as is required by changing resource and visitor conditions. A sentence to this effect was added at the end of section (b) on page 1.

1

10. The plan does not make a convincing case for the National Park Service needing fee title to most of the private land in the park. The National Park Service feels that ultimate fee acquisition of most lands is the best way of protecting Glacier National Park values in the long term. Many of these values are based on preserving natural resource processes, some of which are not fully understood at this point. Ultimate fee acquisition will provide the National Park Service with the flexibility needed to manage this resources in the future.

1

11. The potential for future development of undeveloped private lands should be retained. The National Park Service feels that this would be inconsistent with its long-range objectives of returning as much of the park as possible to a natural ecosystem process.

1

12. The three tracts shown in the Lubec group are either in National Park Service ownership already or covered by an agreement that automatically transfers them to the park in the future. This group has been deleted from consideration in the plan.

1

# **GLACIER NATIONAL PARK**

---

## **land protection plan planning alternatives questionnaire**

UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Glacier National Park  
West Glacier, Montana 59936

On May 7, 1982, the Department of the Interior adopted a new land protection policy. In accordance with this policy, Glacier National Park is preparing a land protection plan that will set forth the methods of protecting the park resources in relation to all private lands within the park boundaries. The plan will establish priorities for land protection, considering resource significance, public use and other factors, determine the most appropriate methods for protecting specific lands, and identify what, if any, interests are to be acquired.

The primary effect of the new land protection policy is that alternatives to the cash purchase of fee simple title are being more fully explored whenever practicable. Consequently, in the development of the Glacier land protection plan we are searching for avenues to help protect the park by communicating with state and local governments, landowners, and the private sector. To assist us, we need the comments of citizens, inholders, organizations and local and state government officials.

We have developed a series of alternatives that we believe deal with the main issues. Please take time to express your opinions and to provide any additional comments. We would like to receive your comments by May 15, 1983, so we can proceed with preparing the plan. When you have completed the questionnaire, staple or tape it closed and mail it. No postage is necessary.

If you would like to discuss land protection in person, we would be happy to meet with you at your convenience. Call my office at (406) 888-5441, extension 200.

Sincerely,

*Robert C. Haraden*

Robert C. Haraden  
Superintendent

Enclosure

GLACIER NATIONAL PARK  
LAND PROTECTION PLAN  
PLANNING ALTERNATIVES

The National Park Service has been directed by the Congress to preserve the natural and cultural resources contained within Glacier National Park and to provide for their enjoyment by the public. To fully achieve this mandate, the Park Service must not only manage the lands within the park that are in federal ownership, but must also ensure the protection of those lands that are not federally owned. Currently there are approximately 154 tracts totaling 872 acres of private lands within the boundaries of the park.

The National Park Service is exploring a number of alternative land protection methods for ensuring that these private lands are managed in ways that are compatible with the purposes of the national park. You will be asked on the next few pages to comment on which of these land protection methods you think are most appropriate for Glacier National Park.



## ACQUISITION OF EASEMENTS OR FEE TITLE

Past National Park Service policy for Glacier has been to gradually acquire lands within the park as they have been offered for sale by a willing seller at fair market value, as funds have been available.

How do you think the acquisition of private lands or interests in land should be directed in the future? Please check the statement you agree with.

- 156 Acquire all private land within the park on a willing seller basis.
- 70 Gradually acquire selected private lands within the park, depending on location, resource value, esthetic and public use considerations.
- 20 Do not acquire any additional private land within the park except through donation, exchange or situations involving incompatible uses.

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The National Park Service may acquire either an easement or fee title through purchase, donation or exchange. Acquisition of an easement conveys only some of the rights to the property; the property stays in private ownership subject to the restrictions in the easement. The most common use of easements in the National Park System has been to restrict development rights to protect scenic values. Fee title conveys all of the rights to a property for full public use.

- 91 Acquire fee title to all properties (through purchase, donation, or exchange).
- 87 Acquire either easements or fee title (by entering into negotiations with the owner), depending upon the resource values of the property, its intended use, and the owner's preference as to fee or easement.
- 55 Grant life-term estates or other reservations of use that reduce the purchase price in exchange for retaining the existing use for a period of years.
- 15 Allow owners to retain certain rights, such as right to construct a residence, in return for a partial or complete donation of remaining property rights.

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## DEVELOPMENT

National Park Service policy has been to recognize and allow any existing use or development to continue but to prevent new development or subdivision by purchasing the land, if possible on a willing seller basis. Replacement of existing structures, minor additions to residences, and construction of outbuildings has been permitted on developed property. As a last resort, the Service would use the power of eminent domain if the property was threatened with new development and a negotiated settlement could not be reached with the owner. Please check the statement or statements you support.

- 32 Allow property owners to construct new residences.
- 126 Allow property owners to maintain, expand, or replace existing residences but do not allow construction of new residences.
- 34 Allow limited expansion of existing commercial development on private land.
- 31 Allow limited new commercial development on private land where appropriate space is available.
- 132 Do not allow any new commercial development on private land.
- 99 Do not allow existing commercial developments on private lands to expand.
- 33 Do not allow any of the above.

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## EMINENT DOMAIN

Past National Park Service land acquisition policy at Glacier provided for the use of the power of eminent domain in certain instances if all other avenues of negotiation and attempts to purchase a particular parcel threatened with development had failed.

In the history of land acquisition at Glacier only nine tracts have been acquired in this manner. While it would still be used as a last resort, under what circumstances would you support the use of eminent domain in the new land protection Plan? (More than one answer may be checked).

54 Only if a major subdivision or large commercial development was planned.

120 In any instance where subdivision, division, or lot splitting was planned.

143 In any instance where planned development would be highly visible or where significant resource damage would occur.

124 If any unauthorized construction is planned on undeveloped private property.

130 Whenever the National Park Service deems it appropriate to protect park resources.

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## ADJACENT LANDS

Previous National Park Service studies have expressed some concern over the future of lands adjacent to the park and what potential impacts development of these lands might have on park values. What interest or involvement do you think the National Park Service should have in helping to see that land uses adjacent to Glacier National Park are compatible with park values? Please indicate the item or items you support.

169 Continue and increase coordination with other government agencies in the area.

181 Participate in valley-wide planning efforts and programs to address protection and use issues.

158 Provide the county/appropriate agency with review comments on development proposals which might impact the park.

27 Only be concerned with land use issues within the park boundaries.

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank you for sharing your opinions and concerns regarding land protection in Glacier National Park. They will be seriously considered during the preparation of the land protection plan. If you would like to receive update information of this plan, please indicate below.

Name \_\_\_\_\_

Address \_\_\_\_\_

Organization (if you are representing one) \_\_\_\_\_

\_\_\_\_\_

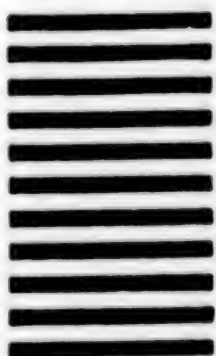
Number of members \_\_\_\_\_

☐ Please send me update information of the land protection plan as available.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**OFFICIAL BUSINESS**  
PENALTY FOR PRIVATE USE: \$300



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



**BUSINESS REPLY MAIL**  
FIRST CLASS PERMIT NO 12651 WASH., D.C.  
POSTAGE WILL BE PAID BY INT 417

**SUPERINTENDENT  
GLACIER NATIONAL PARK  
WEST GLACIER, MONTANA  
59936**

83

## APPENDIX H

### Methods of Acquisition.

In addition to the purchase of interests in lands, the following measures may also be used as appropriate in acquiring these interests:

a. Exchange

The National Park Service has the authority to exchange federal property for private or public property if both are located wholly within the park. Glacier National Park will consider such exchanges when the proposed exchange would result in clearly identified benefits to the Service and to the landowner. Proposals of this type will require an environmental assessment documenting the benefits to be derived and appropriate notice will be made to the public.

The Service will also consider and actively pursue exchanges of non-Federal property within the park for Federal property elsewhere within the State of Montana. These exchanges would also be documented by environmental assessments with public review and would be in accordance with established procedures. Some large tracts may be acquired in this manner.

b. Donations and Bargain Sales

Donations and bargain sales are methods of acquiring land or interests in land at less than full market value. Landowners can receive tax advantages by donating the full or partial value of their land to the National Park Service or to eligible nonprofit organizations. A bargain sale is sale of property to a qualifying organization or governmental agency at a price that is less than its fair market value. The result is thus part sale and part charitable contribution. The amount deductible as a charitable contribution for income tax purposes is the difference between the fair market value of the property and the actual sales price.

c. Condemnation

Condemnation would be regarded as a last resort by the National Park Service. Condemnations initiated by the filing of a complaint are used in most eminent domain situations. Title to the land does not pass to the government until a court or jury has determined just compensation and this amount has been paid to the owner. Condemnation may also be used by the Service to determine title issues or when an owner willingly agrees to sell to the Federal government but wants the court to determine the value of the property.

The Congress has also provided for the use of a declaration of taking which vests property in the United States immediately upon filing papers in the court and the deposit of an estimate of just compensation. Declarations of taking are typically used where

title to the land must be vested in the United States immediately in order to prevent resource damage or to allow development of visitor facilities.

In Glacier National Park, the Superintendent would initiate steps to seek approval for condemnation proceedings only as a last resort when a landowner threatens or initiates an incompatible use of non-Federal property within the park as defined by this plan. Every attempt would be made to resolve the problem first by all other avenues of negotiation. If condemnation proceedings are initiated, the landowner would be notified immediately.

d. Acquisition of Fee Interest

Purchase of land in fee title, in most instances, provides the maximum level of control of land.

Opportunity purchase negotiations are based on appraisals of fair market value and do not consider any restrictions on development or use which may be caused by the property's location in the park. If a landowner is interested in selling, the National Park Service will arrange to have the property appraised. The landowner is encouraged to accompany the appraiser to point out features of the property which should be considered in making the appraisal. Landowners may obtain a copy of the appraisal, and are encouraged to have a separate appraisal done at their own expense.

The offer price is based upon the appraisal for fair market value which is the price that an owner could reasonably expect to receive if the property sold on the open market. The offer price will not be less than the approved appraised value.

c. Life or Term Estates.

The owner may sell developed property to the National Park Service and retain the right to use and occupy the property for a fixed term not to exceed 25 years or for the lives of the owner and present spouse.

Under the fixed term alternative, when the land is used for residential purposes, one percent is deducted from the purchase price for each year of the term. The owner decides how many years the continued use and occupancy shall run to a maximum of 25 years. If the owners wish to occupy the property for the remainder of their lives, one percent of the purchase price is deducted in advance at the time of close of escrow for each year the property is reserved. The value of the life estate is based upon life expectancy and is calculated from actuarial tables published by the Department of Health, Education and Welfare. For example, if life expectancy is 20 years, 20 percent is deducted from the purchase price. Owners may then continue to live in their home for the remainder of their lives, whatever period that proves to be.

The one percent formula does not apply to commercial or agricultural properties. In these instances, the value of the reservation is determined by the usual appraisal process.

If the owner dies before the specified use and occupancy term has expired, the right to continued use and occupancy for the remaining years passes to the heirs. If the owner decides to move away before the term expires, the right to the remaining years can be sold or donated to anyone else for any price acceptable to both parties. The reserved use may also be purchased by the Federal government if the funds are available. Certain conditions of the reserved occupancy and use are included in the deed. During the reserved occupancy, the public does not have access to the property except with the owner's permissions.

If the owner has a reserved use for life, the property passes free and clear to the National Park Service upon the death of the last surviving party named in the reservation.

By having elected to retain a use and occupancy, the owners waive replacement housing benefits, relocation assistance advisory services, housing replacement, and are not considered to be "a displaced person" under section 101 (6) of the Relocation Assistance Act, 16 U.S.C. 4601(6).



**UNITED STATES  
DEPARTMENT OF THE INTERIOR**

**FISH AND WILDLIFE SERVICE**  
Endangered Species Field Office  
Federal Bldg. U.S. Courthouse  
301 South Park  
P.O. Box 10023  
Helena, Montana 59626

IN REPLY REFER TO:  
M.25.84

July 5, 1984

|   |                   |             |
|---|-------------------|-------------|
| 1 | Sup               |             |
| 2 | ASST. SUP.        |             |
|   | RM & VP           |             |
|   | INTER             |             |
|   | ADMIN.            |             |
|   | REC'D. JUL 1 1984 | GLAC.       |
|   | VIS. PR           | SPEC.       |
|   | RES. P            |             |
|   | WILD              |             |
|   |                   | PERSONNEL   |
|   |                   | PROCUREMENT |

Mr. Robert Dunkley  
Glacier National Park  
West Glacier, Montana 59936

Dear Mr. Dunkley:

Thank you for the opportunity to review and comment on the draft Land Protection Plan for Glacier National Park. We agree that the plan will benefit endangered and threatened species and support your implementation of the plan.

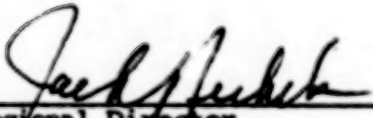
Our only comment is in regards to the priority placed on acquisition of Kelly Camp. Because an active bald eagle nest is located in the vicinity, it appears that it would meet the criteria established for first priority. Public ownership of this property would provide the NPS greater latitude in assuring that conditions are maintained for successful nesting in this location.

Your interest and cooperation in meeting our joint responsibilities under the Endangered Species Act is appreciated.

Sincerely,

Dale R. Harms  
Acting Field Supervisor  
Endangered Species

The actions specified in the foregoing Land Protection Plan for Glacier National Park, will have no or minimal impact upon the environment. The plan is therefore categorically excluded from the NEPA process under 516 D.M. 6 Appendix 7.4 B(11) and 7.4C(1) and (2).

  
\_\_\_\_\_  
Regional Director  
Rocky Mountain Region  
National Park Service

3/8/85  
Date



**END**

05-23-86